

2:15-cv-02390-SB

Exhibit

#1

Oregon Offender Search Public Information

Screen for Inmate Robert Craig Woodruff #5631215

Proof the Plaintiff is an inmate.

This Plaintiff has been declared a

Vexatious litigant (see Exhibit 3) and

declared a "3 Strikes litigant (see Exhibit 4).

Oregon Offender Search

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Department of Corrections

VINE link for this offender

Oregon Offender Search

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Public Information (Last Updated: 02/25/2015 18:35:06)



Offender Name: Woodroffe, Robert Craig

Age: 52 DOB: 12/1962

Gender: Male Race: White Or European Origin

Height: 5'08" Hair: Brown

Weight: 150 lbs Eyes: Blue

SID# 5631215

Caseload: 14001 Abbott, Doug

Location: Two Rivers Correctional Institution

Status: Inmate

Institution Admission Date 04/21/1995

Earliest Release Date: 11/04/2021

For Identification Purposes
 DOB: 12/13/1962
 SS# 540-88-0145
 OOL/ID 3977014
 SID# 5631215

Offenses	Names					
Docket Number	County	Crime	Sentence Type	Begin Date	Termination Date	
33033	POLK	DELIV/MANU CONT SUB - SCH III	Inmate Sentence	12/19/1984	12/19/1988	
853372	POLK	THEFT I	Inmate Sentence	01/09/1986	06/02/1991	
853442	POLK	FORGERY I	Inmate Sentence	03/05/1986	06/24/1992	
108800319	LANE	CRIMINAL CONSPIRACY C FELONY FORGERY I	Inmate Sentence	05/04/1988	06/13/1997	
108800319	LANE	FORGERY I	Inmate Sentence	05/04/1988	08/22/1997	
900658	LINC	THEFT I	Inmate Sentence	05/14/1991	10/20/1991	
109400808/06	LANE	THEFT I	Inmate Jail Sentence	07/26/1994	11/10/1994	
109400808/07	LANE	ROBBERY I	Inmate Sentence	04/21/1995	-	
109400808/07	LANE	DANGEROUS OFFENDER MIN TERM-SG	Dangerous Offender Sentence	04/21/1995	12/28/2002	

Back New Search

Disclaimer Notice: The Oregon Department of Corrections makes available the following offender information in its Oregon Offender Search (OOS) system as a service to the public. While the information is believed to be accurate, the Oregon Department of Corrections makes no warranties, express or implied, as to the accuracy of the information. Further, the Department assumes no legal liability or responsibility for the accuracy or completeness of any of the information provided. Information is updated by the Department periodically, and may change. As such, the information should not be used as an "official" record by any law enforcement agency or any other entity or person.

In order to obtain an official or certified copy of an offender record, please click on the link: [Record Request](#)

Notice: In order to more effectively track inmate transfers between institutions, each co-located minimum facility has a unique abbreviation. For example, Snake River Correctional Institutions - Minimum and Medium facilities used to both be referred to as SRCI. The medium facility will retain the SRCI abbreviation; the minimum will have the SRCM abbreviation.

Please refer to this chart for the new abbreviations.

Previous Abbreviations	New Abbreviations
CCCF - Coffee Creek Correctional Facility	<ul style="list-style-type: none"> CCCF - Coffee Creek Correctional Facility, Medium CCCM - Coffee Creek Correctional Facility, Minimum CCIC - Coffee Creek Intake Center
DRCI - Deer Ridge Correctional Institution	<ul style="list-style-type: none"> DRCI - Deer Ridge Correctional Institution, Medium DRCM - Deer Ridge Correctional Institution, Minimum
SRCI - Snake River Correctional Institution	<ul style="list-style-type: none"> SRCI - Snake River Correctional Institution, Medium SRCM - Snake River Correctional Institution, Minimum
TRCI - Two Rivers Correctional Institution	<ul style="list-style-type: none"> TRCI - Two Rivers Correctional Institution, Medium

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Exhibit

#2

Declaration of SHANNON VINCENT - SENIOR

Assistant Attorney General - OREGON DOJ

Proof Plaintiff has had 3 or more

cases dismissed as frivolous or for failure

to state a claim - "3 Strikes"

Plaintiff Woodroffe has been

harassing defendant King for 12 years

(See Exhibit 5).

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,

Plaintiff,

v.

STATE OF OREGON; COLETTE PETERS;
MICHAEL GOWER; JERI TAYLOR;
CAPT. IVERSON; CAPT. PEDRO;
CAPT. LYTLE; LT. BOSTON; LT. EDISON;
LT. BURCHETT; LT. R. A. YOUNG;
SGT. PRIMMER; SGT. BROWN;
C/O RANSIER; R. HILLMICK; DET. K.
FARBER; AND ROBERT KING, JR.;
KURTUS MCVAE, et al, all defendants are
sued in their individual and official capacities,

Defendants.

Case No. CV140812

DECLARATION OF SHANNON VINCENT

ORS 20.140 - State fees deferred at filing

I, Shannon Vincent, hereby declare:

1. I am a Senior Assistant Attorney General at the Oregon Department of Justice. I make this declaration from a combination of personal knowledge and in reliance on the public records attached as exhibits hereto.

2. I make this declaration in support of the State defendants' motion to revoke plaintiff's fee waiver.

3. Plaintiff Robert Woodroffe is an inmate in the custody of the Oregon Department of Corrections (ODOC). Plaintiff has been in ODOC custody since April 21, 1995.¹

4. While in custody, plaintiff has filed numerous lawsuits against State defendants. Some of plaintiff's litigation history is outlined herein.

¹ See Exhibit 1, Oregon Offender Search public information screen for Robert Craig Woodroffe.

Exhibit 2
Done 1 of 12

[Handwritten signature]

WOODROFFE V. TAYLOR, ET AL.
UMATILLA COUNTY CIRCUIT COURT CASE NO. CV140812

5. In *Woodroffe v. Taylor, et al.*, Umatilla County Circuit Court Case No. CV140812, plaintiff named 18 defendants in a 38-page complaint.²

6. The 18 defendants that plaintiff named in his complaint included the State of Oregon and 15 State employees.³

7. Plaintiff's original complaint included claims for conversion, coercion, harassment, negligence, First Amendment retaliation, intentional infliction of emotional distress, libel, slander, breach of duty, false imprisonment, cruel and unusual punishment, denial of due process, and destruction of property.⁴

8. On October 30, 2014, the Court entered the Court's *Order Regarding State Defendant's Rule 21A(8) Motion*. With the exception of plaintiff's property loss claim—which the Court gave plaintiff leave to replead—the Court dismissed plaintiff's complaint without leave to amend for failure to state a claim for relief.⁵

9. Eleven State employees have been dismissed from this case so far: Colette Peters, Michael Gower, Capt. Iverson, Capt. Pedro, Capt. Lytle, Lt. Boston, Lt. R. Young, Sgt. Primmer, Sgt. Brown, R. Hillmick, and Detective K. Farber.

WOODROFFE V. STATE OF OREGON, ET AL.
UMATILLA COUNTY CIRCUIT COURT CASE NO. 140914

10. In *Woodroffe v. State of Oregon, et al.*, Umatilla County Circuit Court Case No. 140914, plaintiff named 11 defendants in a 29-page complaint.⁶

11. The 11 defendants that plaintiff named in his complaint include the State of Oregon and 7 State employees.⁷

² See Exhibit 2, *Verified Complaint*.

³ See *Id.*

⁴ See *Id.*

⁵ See Exhibit 3, *Order Regarding State Defendant's Rule 21A(8) Motion*.

⁶ See Exhibit 4, *Verified Complaint*.

⁷ See *Id.*

12. Plaintiff's original complaint, which was filed in Clackamas County, included claims for theft, lost property, fraud, breach of agreement, violation of rules and policy, breach of duty, denial of due process, official misconduct, and negligence.⁸

13. Plaintiff's original complaint was dismissed for failure to state a claim by the Clackamas County Circuit Court.

14. On January 14, 2014, plaintiff filed an *Amended Verified Complaint*.⁹

15. Plaintiff's first amended complaint expanded the scope of relief beyond that which was sought in plaintiff's original complaint. Plaintiff added claims for retaliation, conversion, and trespass of chattels to his first amended complaint.¹⁰

16. In his first amended complaint, plaintiff did not remove any of the claims that were previously dismissed from the case for failure to state a claim for relief. For example, plaintiff again named an Oregon State Police detective for alleged "denial of due process" arising out of an alleged failure to press criminal charges against a third party, although it is well established in case law that there is no such claim for relief—a point that had already been briefed and decided in the case prior to plaintiff's amended complaint re-raising the same barred claim.

17. On the State defendants' motion, venue was changed in this case to Umatilla County Circuit Court.

18. On October 30, 2014, the Court entered the Court's *Order Regarding State Defendant's Rule 21A(8) Motion*.¹¹ In the Order, the Court noted that "This matter having gone through the process of Rule 21 motions before, plaintiff has failed in the extreme to comply with the requisite pleading rules that are expected."¹²

⁸ See *Id.*

⁹ See Exhibit 5, *Amended Verified Complaint*.

¹⁰ See *Id.*

¹¹ See Exhibit 6, *Order Regarding State Defendant's Rule 21A(8) Motion*.

¹² See *Id.*

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19. With the exception of plaintiff's property loss claim—which the Court gave plaintiff leave to replead—the Court dismissed plaintiff's complaint without leave to amend for failure to state a claim for relief.¹³

20. On November 20, 2014, plaintiff filed a *Second Amended Verified Complaint*.¹⁴ In his second amended complaint, plaintiff yet again names a State employee, Ms. Taylor, in her "individual capacity" although it is well established (and has been briefed on multiple occasions in the case) that individual state employees are not proper defendants for State law claims under the Oregon Tort Claims Act (OTCA). Under the OTCA, the only proper defendant for such claims is the State.

WOODROFFE V. STATE OF OREGON, ET AL.
MALHEUR COUNTY CIRCUIT COURT CASE NO. 14091110M

21. In *Woodroffe v. State of Oregon, et al.*, Malheur County Circuit Court Case No. 14091110M, plaintiff sued 10 defendants in a 28-page complaint.¹⁵

22. The 10 defendants that plaintiff named in his complaint include the State of Oregon, ODOC, and 5 State employees.¹⁶

23. Plaintiff originally filed the lawsuit in Linn County Circuit Court.¹⁷

24. All individually-named State defendants were dismissed from the case for lack of service. On the State's motion, the case was transferred to Malheur County Circuit Court.

25. On December 22, 2014, the Court entered an *Order Granting State's Motion to Dismiss*.¹⁸ In the Order, the Court dismissed plaintiff's "breach of agreement" claim for failure to state a claim, the Court dismissed plaintiff's "denial of due process" claim because the State is not a proper defendant for a federal due process claim and because plaintiff does not have a

¹³ See *Id.*

¹⁴ See Exhibit 7, *Second Amended Verified Complaint*.

¹⁵ See Exhibit 8, *Verified Complaint for Breach of Agreement*.

¹⁶ See *Id.*

¹⁷ See *Id.*

¹⁸ See Exhibit 9, *Order Granting the State's Motion to Dismiss*.

1 private right of action to seek money damages for that claim against the State, the Court
 2 dismissed plaintiff's "negligence" claim for failure to state a claim, and the Court dismissed
 3 plaintiff's "harassment" claim for failure to state a claim—noting that it could not "discern under
 4 what theory of liability the claim is made or what facts support the claim."¹⁹

5 26. A *General Judgment of Dismissal* was entered in the case on January 21, 2015.²⁰

6 ***WOODROFFE V. STATE OF OREGON, ET AL.***
 7 **MALHEUR COUNTY CIRCUIT COURT CASE NO. 1407987L**

8 27. In *Woodroffe v. State of Oregon, et al.*, Malheur County Circuit Court Case No.
 9 1407987L, plaintiff sued 18 defendants in a 48-page complaint.²¹

10 28. The 18 defendants that plaintiff named in his complaint include the State of
 11 Oregon and 17 State employees.²²

12 29. I was named as a defendant in this case arising out of my defense of other
 13 lawsuits that plaintiff has filed, for alleged failures to correct "injustices" at ODOC and for
 14 refusing to settle other lawsuits that plaintiff filed.²³

15 30. On August 8, 2014, counsel for the State defendants moved the Court for an order
 16 dismissing me from the case.²⁴

17 31. The Court granted the motion, and on October 27, 2014, the Court entered a
 18 *Limited Judgment of Dismissal as to Shannon Vincent*.²⁵

21
 22 ¹⁹ See *Id.*

23 ²⁰ See Exhibit 10, *Notice of Entry of Judgment*.

24 ²¹ See Exhibit 11, *Verified Complaint*.

25 ²² See *Id.*

26 ²³ See *Id.*

²⁴ See Exhibit 12, *Defendant Shannon Vincent's Motion to Dismiss and to Strike*.

²⁵ See Exhibit 13, *Limited Judgment of Dismissal as to Shannon Vincent*.

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WOODROFFE V. OREGON DEP'T OF CORRECTIONS, ET AL.,
U.S. DISTRICT COURT OF OREGON CASE NO. 3:05-CV-00977-MO

32. In *Woodroffe v. State of Oregon, et al.*, U.S. District Court of Oregon Case No. 3:05-cv-00977-MO, plaintiff sued 43 defendants in a 62-page complaint—all of whom were either State entities or State employees.²⁶

33. In an *Opinion and Order* dated May 28, 2008, the Court granted summary judgment in defendants' favor on every claim in plaintiff's case, with the exception of one Eighth Amendment claim related to hernia treatment.²⁷

34. Twelve claims for relief were alleged in plaintiff's lawsuit—several of which were dismissed on summary judgment for failure to state a claim for relief (*e.g.*, claims arising out of alleged denial of access to courts).²⁸

35. In the *Opinion and Order*, the Court noted that claims raised against Parole Board members failed as a matter of law because Parole Board members "have absolute immunity when making decisions to grant, deny, or revoke parole."²⁹

WOODROFFE V. KITZHABER, ET AL.
U.S. DISTRICT COURT OF OREGON CASE NO. 2:13-CV-00403-SI.

36. In *Woodroffe v. Kitzhaber, et al.*, U.S. District Court of Oregon Case No. 2:13-cv-00403-SI, plaintiff filed a 215-page complaint in federal court that named 96 defendants.³⁰

37. The Court, *sua sponte*, dismissed plaintiff's complaint, because it was duplicative of a previous lawsuit that plaintiff filed, contained a frivolous claim, and otherwise failed to state a claim.³¹

²⁶ See Exhibit 14, *Amended Complaint*.

²⁷ See Exhibit 15, *Opinion and Order*.

²⁸ See *Id.*

²⁹ See *Id.*

³⁰ See Exhibit 16, *Verified Complaint*.

³¹ See Exhibit 17, *Order to Dismiss Complaint*.

38. In the order dismissing plaintiff's complaint, the Court said: "Plaintiff alleges his right to access the courts has been infringed * * *, which, given the numerous filings Plaintiff has made in this court, is clearly frivolous."³²

39. When plaintiff appealed the dismissal, the Court issued an order revoking plaintiff's *in forma pauperis* status, certifying "that the appeal is legally frivolous and in bad faith."³³

WOODROFFE V. STATE OF OREGON, ET AL.
U.S. DISTRICT COURT OF OREGON CASE NO. 2:12-CV-00124-SI.

40. In *Woodroffe v. State of Oregon, et al.*, U.S. District Court of Oregon Case No. 2:12-cv-00124-SI, plaintiff filed a 91-page complaint in federal court that originally named 60 defendants.³⁴

41. In an Opinion and Order dated April 29, 2013, the Court dismissed numerous claims and defendants from the case with prejudice for failure to state a claim for relief, including: (1) plaintiff's claims against defendants Kulongoski, Kroger, Williams, Gower, Nooth, Hodge, Gilmore, Hannon, Elliott-Blakeslee, Mullen, Rochester, Beglau, Felton, and Wheeler; (2) plaintiff's "failure to protect" claim; (3) plaintiff's state law claims; (4) plaintiff's due process claims arising out of a parole review hearing; and (5) plaintiff's "access to the courts" claim.³⁵

WOODROFFE V. BROWN, ET AL.
MARION COUNTY CIRCUIT COURT CASE NO. 10C16751.

42. In *Woodroffe v. Brown, et al.*, Marion County Circuit Court Case No. 10C16751, plaintiff filed a 30-page complaint in Marion County Circuit Court that named 30 defendants.³⁶

³² See *Id.*

³³ See Exhibit 18, *Order Finding Appeal to be Frivolous and Revoking In Forma Pauperis Status on Appeal.*

³⁴ See Exhibit 19, *Complaint.*

³⁵ See Exhibit 20, *Opinion and Order.*

³⁶ See Exhibit 21, *Complaint.*

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43. On August 6, 2010, the Court entered an *Order Denying Plaintiff's Motion for Waiver or Deferral of Fees and Costs for Indigents*.³⁷

44. In the Order, the Court stated that "Plaintiff fails to allege sufficient facts against state officials, agents, and employees to state a valid claim for relief."³⁸ The Court also stated that plaintiff's "civil rights claim fails because plaintiff fails to plead facts alleging that confinement in disciplinary segregation imposed an atypical and significant hardship when compared to confinement in administrative segregation."³⁹ And the Court further stated that plaintiff's "Claims regarding a denial of public records, and refusal to prosecute inmate Brown also fails as a matter of law."⁴⁰

**WOODROFFE V. NOOTH, ET AL.
MALHEUR COUNTY CIRCUIT COURT CASE NO. S08042321.**

45. In *Woodroffe v. Nooth, et al.*, Malheur County Circuit Court Case No. S08042321, plaintiff filed a small claims case against Mark Nooth.⁴¹

46. On November 12, 2008, the Court entered a *Small Claims Judgment and Money Award*, in which it awarded the State of Oregon a judgment of \$85.00—its prevailing party fee in defending against plaintiff's small claim.⁴²

**WOODROFFE V. FRANKE, ET AL.
UMATILLA COUNTY CIRCUIT COURT CASE NO. SC120042.**

47. In *Woodroffe v. Franke, et al.*, Umatilla County Circuit Court Case No. SC120042, plaintiff filed a small claims case against Steve Franke and Max Williams.⁴³

³⁷ See Exhibit 22, *Order Denying Plaintiff's Motion for Waiver or Defferal of Fees and Costs for Indigents*.

³⁸ See *Id.*

³⁹ See *Id.*

⁴⁰ See *Id.*

⁴¹ See Exhibit 23, *Claim*.

⁴² See Exhibit 24, *Order Denying Plaintiff's Motion for Waiver or Defferal of Fees and Costs for Indigents*.

⁴³ See Exhibit 25, *Claim*.

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1 48. On April 24, 2012, the State Defendants sent a letter to the Court explaining that
 2 Steve Franke and Max Williams—who were public employees acting in the course and scope of
 3 their employment at all times material to plaintiff's small claim—were not the proper defendants
 4 for plaintiff's lawsuit pursuant to the Oregon Tort Claims Act.⁴⁴

5 49. On May 4, 2012, Judge Pahl entered an order denying plaintiff's small claims
 6 case.⁴⁵

7 **WOODROFFE V. BLACKLETTER, ET AL.**
 8 **UMATILLA COUNTY CIRCUIT COURT CASE NO. SC06711.**

9 50. In *Woodroffe v. Blackletter, et al.*, Umatilla County Circuit Court Case No.
 10 SC06711, plaintiff filed a small claims case against Sharon Blackletter and Max Williams.⁴⁶

11 51. On February 23, 2007, the Court entered a *General Judgment of Dismissal* as to
 12 plaintiff's claim, on the grounds that "plaintiff has previously been compensated for his loss to
 13 the full extent allowed by applicable law."⁴⁷

14 **OTHER RELEVANT LITIGATION FILED BY PLAINTIFF**

15 52. In addition to the above cases, plaintiff has filed many other cases against public
 16 bodies that may be relevant to this analysis, because they were dismissed with plaintiff taking no
 17 relief or are subject to pending motions or active defense by the Oregon Department of Justice.
 18 Defendants do not assert that these cases are "strikes" at this time, but reserve the right to do so
 19 in the future if the Court needs further information or as the still-pending cases develop.

20 53. These cases include the following two cases that I am (or will be) defending:

21 a. *Woodroffe v. State of Oregon, et al.*, Umatilla County Circuit Court Case
 22 No. CV141611, a lawsuit in which plaintiff sued the State of Oregon, the Commission on
 23 Judicial Fitness and Disability, and 10 state employees in a 56-page complaint. In the lawsuit,

24 ⁴⁴ See Exhibit 26, letter to Umatilla County Circuit Court dated April 24, 2012.

25 ⁴⁵ See Exhibit 27, *Small Claims Judgment*.

26 ⁴⁶ See Exhibit 28, *Claim*.

⁴⁷ See Exhibit 29, *General Judgment of Dismissal*.

1 plaintiff names two Circuit Court Judges in connection with their decisions on plaintiff's small
2 claims cases—claims that are barred because judges are immune from suit. Defendants have
3 moved to dismiss all of plaintiff's claims in the case, and that motion is still pending.

4 b. *Woodroffe v. State of Oregon, et al.*, Malheur County Circuit Court Case
5 No. 15CV1047, a lawsuit in which plaintiff names the State of Oregon, the Oregon State Bar,
6 and three state employees (as well as two other defendants) in a 15-page complaint that has not
7 yet been served.

8 54. In addition, another attorney in my office, Andrew Hallman, is defending a
9 lawsuit filed by plaintiff in Malheur County Circuit Court, Case No. S-14-06-779. In that case,
10 plaintiff names multiple individual defendants, including another attorney and paralegal in my
11 office.

12 55. I have reviewed Oregon Judicial Information Network (OJIN) printouts for
13 plaintiff's cases in courts throughout the State and found the following additional small claims
14 cases that were dismissed with plaintiff taking no relief. Each of these cases named an
15 individual (or individuals) who is (or who are) not subject to suit under the Oregon Tort Claims
16 Act.

17 a. Umatilla County Circuit Court Case No. SC951586, a small claims case
18 that plaintiff filed on October 12, 1995.

19 b. Umatilla County Circuit Court Case No. SC951665, a small claims case
20 that plaintiff filed on October 30, 1995.

21 c. Marion County Circuit Court Case No. 97D203918, a small claims case
22 that plaintiff filed on September 23, 1997.

23 d. Marion County Circuit Court Case No. 97D203915, a small claims case
24 that plaintiff filed on September 23, 1997.

25 e. Marion County Circuit Court Case No. 97D203916, a small claims case
26 that plaintiff filed on September 23, 1997.

f. Marion County Circuit Court Case No. 97D203917, a small claims case that plaintiff filed on September 23, 1997.

g. Marion County Circuit Court Case No. 03C15440, a small claims case that plaintiff filed on June 16, 2003.

56. Additionally, I reviewed the Public Access to Court Electronic Records (PACER) docket for a federal lawsuit that plaintiff filed in the United States District Court for the District of Oregon on December 20, 1995, *Woodroffe v. Spencer, et al.*, United States District Court of Oregon Case No. 3:95-cv-01993-PA. In that case, plaintiff named Lincoln County Sheriff's Department employees, several ODOC employees, and the chairman of the parole board as defendants. According to the docket, summary judgment was entered in the defendants' favor on August 28, 1996.

57. I have not reviewed any pending or resolved appellate litigation involving plaintiff, but I note that there could be further "strikes" when appeals that plaintiff has taken are considered.

58. A copy of plaintiff's housing history is attached as Exhibit 30.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 4th day of March, 2014.


SHANNON VINCENT

1 **CERTIFICATE OF SERVICE**

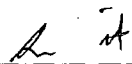
2 I certify that on March 4th, 2015, I served the foregoing DECLARATION OF
3 SHANNON VINCENT upon the parties hereto by the method indicated below, and addressed to
4 the following:

5 Robert Woodroffe
6 SID #5631215
7 Two Rivers Correctional Institution
8 82911 Beach Access Road
9 Umatilla, OR 97882
10 Plaintiff *Pro se*

☐ HAND DELIVERY
☒ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☐ E-FILE

9 Robert Haden King
10 SID #6217368
11 Oregon State Penitentiary
12 2605 State Street
13 Salem, OR 97310-0505
14 Defendant *Pro se*

☐ HAND DELIVERY
☒ MAIL DELIVERY
☐ OVERNIGHT MAIL
☐ TELECOPY (FAX)
☐ E-MAIL
☐ E-FILE

15 
16 SHANNON M. VINCENT #054700
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22 Of Attorneys for Defendants State of Oregon
23 Steve Boston; Donald Brown; James
24 Burchett; James Edison; Karl Farber;
25 Michael Gower; Rodney Hillmick; Laine
26 Iverson; Larry Lytle; David Pedro; Colette
Peters; Douglas Primmer; Greg Ransier; Jeri
Taylor; and Richard Young

2:15-cv-02390-SB

Exhibit

#3

1. Motion to Declare Plaintiff A Vexatious Litigant,
2. Order Declaring Plaintiff A Vexatious Litigant
Proof Plaintiff Robert Woodroff Has
been declared a Vexatious Litigant

Plaintiff Woodroffe Sued defendant

King Two (2) times and Lost both

Cases. King Won Malheur Case No 15CV1047
Umatilla Case No CV140812

Also Woodroffe lost in Court of Appeals
Case No A1161535.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MALHEUR

ROBERT WOODROFFE,)
Plaintiff,) Case No. 15CV1047
vs.)
STATE OF OREGON, R. KRUEGER,) MOTION TO DECLARE PLAINTIFF
MS. K. SHORT, LT. J. EDISON,) A VEXATIOUS LITIGANT
MICHAEL R. MAHONY, ROBERT H.)
KING, JR., OREGON STATE BAR,)
Defendants are sued in their)
individual and official)
capacities,)
Defendants.)

Statement Required Under UTCR 5.050

Pursuant to UTCR 5.050, Defendant Michael R. Mahony
("Defendant Mahony") hereby requests oral argument on the
following motions:

- (a) Time required for oral argument is 30 minutes;
- (b) Official court reporting services are requested;

Statement Required Under UTCR 5.010

Defendant Mahony did not confer with Plaintiff regarding this Motion since Plaintiff is currently incarcerated and is not represented by counsel.

Motion No. 1

Defendant Mahony moves the Court for an Order dismissing the Complaint with prejudice because Plaintiff is a vexatious litigant and his claims are frivolous. Defendant Mahony also requests that the Court prevent Plaintiff from filing any future complaints without Court approval.

Introduction

Plaintiff Robert Woodroffe is a prisoner in the Oregon State Prison system at Two Rivers Correctional Institute in Umatilla County, Oregon. Mr. Woodroffe is notorious for filing civil complaints, including the current action. (Hindman Decl. ¶¶ 2-6, Exs. 1-2.) Since 1987, Mr. Woodroffe has filed approximately thirty-eight (38) civil complaints against over 280 defendants. (*Id.*) Consistent with his pattern and practice, Plaintiff Woodroffe recently filed a civil complaint against fellow inmate, Defendant Robert H. King, as well as a number of other inmates and members of the prison staff. (Hindman Decl. ¶¶ 2-4, Ex. 4.)

Plaintiff sent Defendant Michael R. Mahony a letter indicating that Plaintiff would settle the civil complaint

1 against Defendant King, but if Defendant King did not
 2 settle the civil complaint that Plaintiff would send
 3 adverse information concerning Defendant King to the parole
 4 board. (Hindman Decl. Ex. 3.) Defendant Mahony took this as
 5 a threat amounting to extortion and reported Plaintiff's
 6 conduct to Two Rivers Correctional Institute. (Hindman
 7 Decl. Ex. 4.) Two Rivers Correctional Institute
 8 investigated the incident (*Id.*) Plaintiff then filed this
 9 lawsuit to retaliate against Defendant Mahony for reporting
 10 his conduct to Two Rivers Correctional Institution.
 11

12 Plaintiff is a vexatious litigant and fails to allege
 13 ultimate facts supporting each of his claims for relief.
 14 Defendant Mahony separately moved the Court to dismiss the
 15 Complaint in its entirety with prejudice under ORCP 21. He
 16 now seeks an order labeling Plaintiff a vexatious litigant
 17 and preventing him from filing any future actions without
 18 first obtaining a court order.
 19

20 POINTS AND AUTHORITIES

21 "Every court of justice has power to control, in
 22 furtherance of justice, the conduct of its ministerial
 23 officers, and of all other persons in any manner connected
 24 with a judicial proceeding before it, in every manner
 25 pertaining thereto." ORS 1.010(5); see also *Schnitzer v.*
 26 *Stein*, 96 Or. 343 (1920) (A court has inherent power to

1 prescribe rules to methodically dispose of cases.) While
 2 Oregon cases do not appear to be directly on point, Federal
 3 cases are instructive in holding that a Court can classify
 4 a party with an abusive and lengthy litigation history as a
 5 "vexatious litigant" and thereby restrict the litigant from
 6 filing future lawsuits, or require that the litigant
 7 receive prior court approval before filing any future
 8 lawsuits. *DeLong v. Hennessey*, 912 F.2d 1144, 1146 (1990);
 9 see also *Ringgold-Lockhart v. County of LA*, 761 F.3d 1057,
 10 1061 (9th Cir. 2014).

11 Plaintiff is an extreme example of a vexatious
 12 litigant and the Court should prevent his continued abuse
 13 of the Oregon state and federal court system by: (1)
 14 dismissing this frivolous Complaint in its entirety against
 15 each Defendant; and, (2) entering an order that classifies
 16 Plaintiff as a vexatious litigant and require him to
 17 receive prior court approval before filing any future
 18 lawsuits. Since 1987, Plaintiff has filed approximately
 19 thirty-four (34) Oregon state civil court actions, not
 20 including habeas corpus, post-conviction relief, and
 21 domestic relations proceedings. (Hindman Decl. ¶ 2, Ex. 1.)
 22 Plaintiff has filed four (4) additional civil lawsuits in
 23 the Federal District of Oregon since 1996. (Hindman Decl. ¶
 24 4, Ex. 2.) Through the thirty-eight separate Complaints,
 25 Plaintiff has sued over 280 defendants. (Hindman Decl. ¶
 26 6.) The defendants include, but are not limited to, the

1 State of Oregon, the Oregon Governor, prison staff, judges,
 2 attorneys, doctors, and fellow inmates. (Hindman Decl. ¶
 3 7.)

4 The Courts have dismissed many of Plaintiff's claims
 5 on grounds that they were frivolous, failed to state a
 6 claim for relief, and/or sought monetary relief from a
 7 defendant immune from damages. Some of Plaintiff's
 8 previously dismissed actions include:

MALHEUR COUNTY CIRCUIT COURT			
Case Name	Case No.	Dismissal Type	Date of Dismissal
Woodroffe v. State of Oregon, et al.	Case No. 14091110M	Failure to State a Claim	December 22, 2014
Woodroffe v. State of Oregon, et al.	Case No. 1407987L	Failure to State a Claim	October 27, 2014
Woodroffe v. Nooth, et al.	Case No. S08042321	Failure to State a claim	November 12, 2008
MARION COUNTY CIRCUIT COURT			
Case Name	Case No.	Dismissal Type	Date of Dismissal
Woodroffe v. Brown, et. al.	Case No. 10C16751	Failure to state a claim and sought monetary relief from immune parties	August 6, 2010
UMATILLA COUNTY CIRCUIT COURT			
Case Name	Case Name	Case Name	Case Name
Woodroffe v. Taylor, et al.	Case No. CV140812	Failure to State a Claim	October 30, 2014
Woodroffe v. State of Oregon, et al.	Case No. 140914	Failure to State a Claim	October 30, 2014
Woodroffe v. Franke, et al.	Case No. SC120042	Sought monetary relief from immune parties	May 4, 2012
Woodroffe v. Blackleter, et al.	Case No. SC06711	Failure to state a claim	February 23, 2007
UNITED STATES DISTRICT COURT OF OREGON			
Case Name	Case No.	Dismissal Type	Date of Dismissal
Woodroffe v.	Case No. 3:05-	Failure to state	May 27, 2008

Oregon Dep't of Corrections, et al.	cv-00977-MO	a claim and sought monetary relief from immune parties	
Woodroffe v. Kitzhaber, et al.	Case No. 2:13-cv-00403-SI	Failure to State a claim and frivolous	June 5, 2013
Woodroffe v. State of Oregon, et al.	Case No. 2:12-cv-00124-SI	Failure to state a claim	April 29, 2013

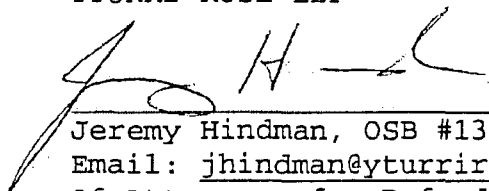
This list does not include the numerous small claims court decisions that the Courts have dismissed, the at least eight (8) cases currently pending or the cases in which the parties agreed to pay a very small amount of spending money to Mr. Woodroffe in order to settle frivolous claims without proceeding further. (Hindman Decl. ¶ 9-10.)

Plaintiff is financially able to file the volume of lawsuits because Courts routinely waive his filing fee. (Hindman Decl. ¶ 8.) If Defendants choose not to settle, Plaintiff threatens them with appeals all the way to the Supreme Court and the prospect of having to continue to spend money to defend the frivolous claims. (Hindman Decl. Ex. 5.) In total, Plaintiff's modus operandi is to file frivolous and unsubstantiated lawsuits against numerous defendants, threaten to force them to continue spending money on attorney fees through continued litigation and appeal, and attempt to get small settlements from each Defendant in exchange for a dismissal.

1 Plaintiff is using litigation for sport and has made a
 2 job out of filing lawsuits. He incurs no initial monetary
 3 harm for his baseless complaints and will certainly file
 4 additional frivolous civil complaints against other
 5 attorneys, judges, individuals, state officials, or state
 6 institutions involved in this action. He will continue to
 7 clog the Court system with unfounded claims. Therefore,
 8 Defendant Mahony respectfully requests that the Court enter
 9 dismissal with prejudice and without leave to amend on
 10 Defendant's Rule 21 Motions; and, classify Plaintiff as a
 11 vexatious litigant that must receive Court approval before
 12 filing any future complaints.

13 DATED this 3 day of April, 2015.

14 YTURRI ROSE LLP

15 
 16 _____
 17 Jeremy Hindman, OSB #133864
 18 Email: jhindman@yturrirose.com
 19 Of Attorneys for Defendant Mahony
 20 **Assigned Trial Counsel:**
 21 Bruno J. Jagelski, OSB #903049
 22 Telephone: (541) 889-5368
 23
 24
 25
 26

Time: 2:00 p.m. By SLF

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1 the parties, and being fully apprised in the premises
2 hereby finds that Plaintiff Robert Woodroffe is a vexatious
3 litigant and orders as follows:

4 IT IS HEREBY ORDERED that:

5 1. Defendant Michael R. Mahony's Motion to Declare
6 Plaintiff a Vexatious Litigant is granted for the reasons
7 stated: (a) by the Court in the record; (b) by Defendant
8 Michael R. Mahony's counsel at the hearing; (c) by
9 Defendant Michael R. Mahoney's counsel in their written
10 submissions; and, (d) in the State of Oregon's Joinder in
11 Defendant Michael R. Mahony's Motion to Declare Plaintiff a
12 Vexatious Litigant.
13

14 2. From this date forward, Plaintiff Robert
15 Woodroffe is prohibited from filing any civil action in
16 Circuit Court for the State of Oregon without first
17 obtaining leave of the Court.

18 DATED this 2nd day of June, 2015.

19
20
21 
22 Gregory D. Baxter
Circuit Court Judge

23 Prepared and Submitted by:
24 Jeremy Hindman, OSB #133864
25 Email: jhindman@yturrirose.com
26 Of Attorneys for Defendant Mahony
Assigned Trial Counsel:
Bruno J. Jagelski, OSB #903049
Email: bjagelski@yturrirose.com
Telephone: (541) 889-5368

2:15-cv-02390-SB

Exhibit

#4

Court Order Declaring the Plaintiff

A "3 Strikes" Litigant

Proof Plaintiff Robert Woodruffe

has been Declared a "3 Strikes"

litigant and cannot get a free

filing Fee Waiver.

KING File

152

FILED
UMATILLA COUNTY

2015 MAY -7 AM 11:52

TRIAL COURT

BY _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,

Plaintiff,

v.

STATE OF OREGON; COLETTE PETERS;
MICHAEL GOWER; JERI TAYLOR; CAPT
IVERSON; CAPT PEDRO; CPT LYTTLE; LT
BOSTON; LT EDISON; LT BURCHETT; LT
R.A. YOUNG; SGT PRIMMER; SGT
BROWN; CO/RASNIER; R. HILLMICK;
DET K. FARBER; AND ROBERT KING, JR.;
KURTIS MCVAE, et al, all defendants are
sued in their individual and official capacities,

Defendants.

Case No. CV140812

COURT'S ORDER REGARDING STATE
DEFENDANT'S MOTION TO VACATE FEE
WAIVER - GRANTED WITH ORDER
ALLOWING PLAINTIFF 30 DAYS TO CURE

ROBERT WOODROFFE,

Plaintiff,

v.

STATE OF OREGON; MR. FRANKE, supt;
MS. TAYLOR; LT MCMILLEN; SGT
HODG; CLACKAMAS PAROLE AND
PROBATION; MARK RASMUSSEN;
JEREMY GUNTER; MARCUS MOORE; R.
EMERICK; C/O RANSIER; all State
employees are sued in their individual and
official capacities, et al;

Defendants.

Case No. CV140914

COURT'S ORDER REGARDING STATE
DEFENDANT'S MOTION TO VACATE FEE
WAIVER

1 COURT'S ORDER REGARDING STATE DEFENDANT'S MOTION TO
VACATE FEE WAIVER - GRANTED WITH ORDER ALLOWING PLAINTIFF 30
DAYS TO CURE

Exhibit 4 Page 1 of 11 152

1 ROBERT WOODROFFE,

2 Plaintiff,

3 v.

4
5 STATE OF OREGON; GOVERNOR
6 KITZHABER; JUDICIAL FITNESS AND
7 DISABILITY; SUSAN ISAACS;
8 KRISTEN WINGES-YANEZ;
9 BREND A COUGHENNOWER;
ELLEN ROSENBLUM; RONALD J. PAHL;
LYNN W. HAMPTON; DON PRIMUS;
JEREMY GUNTER; JAMES EASTWOOD,
all defendants are sued in their official and
individual capacities, et al.,

10 Defendants.

Case No. CV141611

COURT'S ORDER REGARDING STATE
DEFENDANT'S MOTION TO VACATE FEE
WAIVER

11 THIS MATTER comes to the court on May 7, 2015, the court calling for oral argument
12 matters in the above captioned cases, CV140812, CV140914 and CV141611, the court heard
13 argument upon the motions and in particular for this opinion and order upon the State
14 Defendant's Motion to Vacate the Court's fee waiver in each of these cases; the court taking
15 judicial notice of the other pending cases herein, and taking the matter under advisement,
16 therefore:

17 The plaintiff has had many cases, and indeed really is quite litigious. The cases are so
18 many that the duplication of claims seems possible, and the implications of prior dismissals, with
19 or without prejudice¹, or adjudications of the cases, the effect of collateral estoppel² or related
20 theory potentially important. In most of the cases there are motions to strike ORCP 21 E or
21 dismiss under ORCP 21 A.³ The overlapping nature of the legal issues make discussion of the
22 cases separately difficult. For these cases the State Defendant's motion regarding the court's
23 earlier order waiving fees for the plaintiff must be determined as a natural order of precedent in

2 COURT'S ORDER REGARDING STATE DEFENDANT'S MOTION TO
VACATE FEE WAIVER – GRANTED WITH ORDER ALLOWING PLAINTIFF 30
DAYS TO CURE

C. Smith, Jr. Date 2 of 11

1 the cases. Because of the consistency of the issue, the court has consolidated the decision and
 2 order for each case to be filed separately in each case.

3 **Motion to revoke fee waiver.**

4 On March 6, 2015 defendant State of Oregon filed a motion to revoke plaintiff's waiver
 5 of fees under ORS 30.645 for the reason generally that plaintiff has filed three or more lawsuits
 6 against a public body that were dismissed for being frivolous, or failed to state a claim, or sought
 7 monetary relief from a defendant immune from damages. Therein the state asserts numerous
 8 cases filed and dismissed prior to the filing of this action.⁴ The court takes judicial notice of the
 9 files and records of those cases. Assuming that the State is correct and that the court essentially
 10 failed to catch the previous filings, analyze them in relationship to the fee waiver request of
 11 plaintiff, and then deny the fee waiver or deferral based on the statute, really can the court now
 12 go back upon the state's motion and do what it should have done then? Plaintiff's argument in
 13 response mostly centers on the untimeliness of the motion being well after the case was filed,
 14 the court's earlier waiver of fees, his financial expenditures on the cases prior to the motion, and
 15 whether the earlier cases were dismissed with prejudice. For the reasons herein I do not find the
 16 plaintiff's arguments to have legal merit.

17 ORS 21.680 et seq provides authority for the waiver and deferral of fees. Most of those
 18 statutes were created or last amended in 2007 and 2009. ORS 30.643 was created in 1999 and
 19 last amended in 2007. The court must apply statutory construction rules to resolve at least part of
 20 the perceived conflict between the statutes.

21 Statutory construction is a legal issue. *Blue Mountain Alliance v. Energy Facility Siting*
 22 *Council*, ____ Or ____ (2013). "The methodology that Oregon courts follow in interpreting
 23 statutes is a distillation of settled interpretative principles, some of which have been codified in

1 Oregon statutes since early statehood and others of which have been articulated in this court's
 2 case law for many years. *Mastriano v. Board of Parole*, 342 Or. 684, 691, 159 P.3d 1151 (2007).
 3 The methodology, as outlined in *PGE v. Bureau of Labor and Industries*, 317 Or. 606, 610-12,
 4 859 P.2d 1143 (1993), entails three sequential levels of analysis to determine the legislature's
 5 intent. First, the court examines the text and context of the statute. *Id.* at 610-11, 859 P.2d 1143.
 6 If the legislature's intent is obvious from that first level of analysis, "further inquiry is
 7 unnecessary." *Id.* at 611, 859 P.2d 1143. "If, but only if," the legislature's intent is not obvious
 8 from the text and context inquiry, "the court will then move to the second level, which is to
 9 consider legislative history[.]" *Id.* at 611, 859 P.2d 1143. If the legislature's intent remains
 10 unclear after [346 Or. 165] examining legislative history, "the court may resort to general
 11 maxims of statutory construction to aid in resolving the remaining uncertainty." *Id.* at 612, 859
 12 P.2d 1143." *State v. Gaines*, 346 Or 160, 206 P3d 1042 (2009).

13 "ORS 174.020 codifies—as it has for many years—the "cardinal rule" of statutory
 14 construction that a court "shall pursue the intention of the legislature if possible." *See Holman*
 15 *Trf. Co. et al. v. Portland et al*, 196 Or. 551, 564, 249 P.2d 175 (1952) (so characterizing the rule
 16 when it was codified at OCLA § 2-217). In 2001, the legislature added provisions directed
 17 specifically to the court's consideration of legislative history. As amended (and with the 2001
 18 additions italicized), the statute provides:

19 "(1)(a) In the construction of a statute, a court shall pursue the intention of the legislature if
 20 possible.

21 "(b) To assist a court in its construction of a statute, a party may offer the legislative history
 22 of the statute.

23

Shirley R. Davis 4 of 11

"(2) When a general and particular provision are inconsistent, the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.

"(3) A court may limit its consideration of legislative history to the information that the parties provide to the court. A court shall give the weight to the legislative history that the court considers to be appropriate." *State v. Gaines*, 346 Or 160, 206 P3d 1042 (2009).

With the declaration of Shannon Vincent, the state did file some legislative history on HB 2256 applicable to ORS 30.643 and ORS 30.645. Moreover, ORS 21.682 specifically makes the authority to waive or defer fees in that statute subject to ORS 30.642 to 30.650, meaning that ORS 30.645 controls. It is clear to this court that the court may not waive or defer fees in civil cases against public bodies if an inmate has had three or more cases dismissed qualifying under the terms in ORS 30.645. There is nothing in the statute that reflects a requirement that the dismissal be with prejudice in order for that dismissal to count.

The issue before the court is then given that the court did waive or defer fees and given that then what is the consequences of the court's failure to identify the prohibition from waiving or deferring fees? What are the consequences of the court requiring the payment of fees now?

ORS 21.100 initiates the requirement to pay fees. Under the statute a circuit court may only file a pleading or other document if the filing fee is paid in advance or if a request for deferral or waiver is granted, with filing fees not refundable under any circumstances.⁵ The caption of any pleading complaint shall have a reference to the statute that establishes the filing fee. ORS 21.105. The complaint filed by plaintiff in CV141611 did not comply with that requirement (writing in 'fee waived'), also failed to designate the statute in CV140812 (filed

1 May 20, 2014), and in CV140914 (originally Clackamas County case CV13040740) wrote in
2 “ff/\$240.00 / waived”.

3 The court takes judicial notice of the files and records of the cases cited by the State of
4 Oregon and finds that the State met its burden of proof in regards to providing to the court the
5 requisite information on which to determine that the cases herein are subject to ORS 30.645.

6 ORS 21.105(3) allows the court to impose all fees that were due and should have been
7 paid for not complying with the caption requirement.⁶ Thus, it appears that the court should not
8 have filed the complaint without the required statutory fee reference in the caption, and having
9 filed the complaint, that the plaintiff would be liable for the fees “that should have been paid at
10 the time the document was filed”, and the court has discretion to impose them under the “may
11 require” language. Since the fee waiver or deferral was wrongfully allowed the order can be
12 vacated because (1) the complaint did not comply with ORS 21.105 and (2) that the fee waiver
13 was wrongfully granted.⁷

14 The failure to timely pay a fee does not necessarily result in dismissal of a case. See,
15 *Balboa Apartments v. Patrick*, 237 Or.App. 391, 241 P.3d 317, 397 (2010) (FED case); *Dunn v.*
16 *Hill*, 156 P.3d 72, 211 Or. App. 590 (Or. App., 2007) (Habeas Corpus, surcharge fee as part of
17 fee could be ordered, case not dismissed during case with the non-payment); *Ray v. Douglas*
18 *County*, 914 P.2d 26, 140 Or.App. 24 (1996) (LUBA case, citing in part to “*U.S. National Bank*
19 *v. Lloyd's*, 239 Or 298, 382 P2d 851, 396 P2d 765 (1963), the court overruled the [Citron] case.
20 The court said that when a filing fee is required and the county clerk accepts the document for
21 filing, a filing has occurred. The case may not then be dismissed for failure to pay the fee along
22 with the filing of the document. We read this case to [140 Or.App. 30] suggest to us that the
23 Board would be viewed as being 'overly technical' were it to dismiss this case without giving the

6 COURT'S ORDER REGARDING STATE DEFENDANT'S MOTION TO
VACATE FEE WAIVER – GRANTED WITH ORDER ALLOWING PLAINTIFF 30
DAYS TO CURE

EX-4 page 6 of 11

1 opportunity to petitioners to file the additional required filing fee." Id. at 371"). There is no
 2 reason to believe that the failure to pay the fee is jurisdictional. See, *ROD v. CITY OF*
 3 *FLORENCE*, LUBA No. 2004-047 (Or. LUBA 10/26/2004) (Or. LUBA, 2004). Failure to pay a
 4 fee may, however, result in dismissal, likely without prejudice. See, *Cornus Corp. v. Geac Enter.*
 5 *Solutions, Inc.*, ____ Or App ____ (2012) ("In contrast, in *Brown v. Simmons*, 270 SW3d 508
 6 (Mo Ct App 2008), the court did not give preclusive effect to a prior federal judgment dismissing
 7 the plaintiff's case for failure to comply with a court's order. In *Brown*, the plaintiff was a federal
 8 prisoner who filed an action in federal district court based on federal question jurisdiction for
 9 violations of his constitutional rights. 270 SW3d at 510. The district court dismissed his action
 10 for failure to comply with a court order to pay a filing fee. Id. The plaintiff then filed a
 11 subsequent action in Missouri state court, and the defendant moved to dismiss, relying on
 12 *DeNardo*. Id. The court in *Brown* distinguished *DeNardo*: the *DeNardo* court "went to great
 13 lengths to emphasize the plaintiff's blatant and willful disregard for the Court[.]" whereas in
 14 *Brown*, "there [was] no indication or contention that [the plaintiff] willfully disregarded the
 15 court's order that he pay the filing fee." Id. at 514. The court concluded: "Working under the
 16 assumption that 'dismissal with prejudice [under Rule 41(b)] is an extreme sanction that should
 17 be used only in cases of willful disobedience of a court's order or where a litigant exhibits a
 18 pattern of intentional delay,' we cannot categorize [the plaintiff's] failure to pay the filing fee in
 19 his federal case as rising to the same caliber of conduct exhibited by the plaintiff in *DeNardo*."
 20 Id. (internal citation omitted; brackets in original).")

21 I conclude that under the context of the statutes that with the filing of a document without
 22 the required fee that "[t]he statutes can be said to intend that the solution to an unpaid filing fee
 23 is not to vitiate the document but to collect the fee from the clerk. The statutes, as before

7 | COURT'S ORDER REGARDING STATE DEFENDANT'S MOTION TO
 VACATE FEE WAIVER – GRANTED WITH ORDER ALLOWING PLAINTIFF 30
 DAYS TO CURE

FILED 4/15/17

mentioned, indicate that the purpose is to collect the fee, not to govern the validity of documents and that time of payment is secondary to actual payment.” *U.S. Nat. Bank v. Underwriters at Lloyd's, London*, 382 P.2d 851, 239 Or. 298 (1963). Furthermore, there being no statute or applicable trial court rules, the court must allow a reasonable time for the fee to be paid before dismissing the case. Moreover, under the circumstances of the case, what would have been a discretionary decision under ORS 21.105(3) is non-discretionary under ORS 30.645. The court having not complied with the statute now has a duty to seek to comply. Furthermore, I do not find any merit in plaintiff’s arguments on timeliness, best likely considered laches argument, given that he ought to be allowed sufficient time to comply. The legal concept of laches generally means that there is a neglect to do something which should be done or claim or enforce a claim or right at a particular time. Laches is neglect to assert a right or claim which, taken with the lapse of time and other circumstances causing prejudice to the adverse party, operates as a bar to the claim⁸.

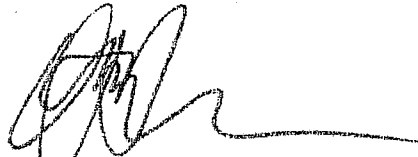
Therefore, the court grants defendant State of Oregon motion to vacate the fee waivers and allows plaintiff thirty (30) days from the date of this order to cure by payment of the filing fee. The earlier order granting fee waiver in this case is hereby VACATED. In the absence of the payment the case will be dismissed, vacating also any subsequent judgment as the case will be ‘un-filed’ and relate back to the time before any orders or judgments in the case.

///

///

Furthermore, as a point of future litigation, plaintiff is advised that under the circumstances of cases that apply to filings under ORS 30.645 that he needs to comply with the statutes discussed herein as to the form of the complaint, as well as the payment of the filing fee before the clerk of the court, wherever in this state, may file the document.

SO ORDERED this 7 day of May, 2015.



DANIEL J. HILL
Circuit Court Judge
6th Judicial District

DANIEL J. HILL
CIRCUIT JUDGE

Umatilla and Morrow Circuit Courts
915 SE Columbia Drive
Hermiston, OR 97838

Email: courtroom5@ojd.state.or.us

☐ Morrow County Circuit Court
PO Box 609
Heppner, OR 97836
Phone: 541-676-5264 Fax: 541-676-9902
Email: courtroomheppner@ojd.state.or.us

¹ "The decision to dismiss a case with or without prejudice is within the discretion of the trial judge, and we review only for manifest abuse of that discretion. See *Dean v. Guard Publishing Co.*, 73 Or.App. 656, 660, 699 P.2d 1158 (1985)." *Bernard v. Gary J. Lekas, P.C.*, 862 P.2d 564, 565, 124 Or.App. 416 (1993); "Under that standard, we will affirm the court unless its decision is not within the range of lawful alternatives." *Gilbert v. Stancorp Financial Group Inc.*, 233 Or.App. 57, 61, 225 P.3d 71 (2009), rev. den., 348 Or. 218, 230 P.3d 20 (2010)." *Munson v. Valley Energy Inv. Fund, US, LP*, 264 Or.App. 679, 333 P.3d 1102 (2014).

² "An order of dismissal without prejudice adjudicates nothing, *Huzar v. Certified Realty Co.*, supra, 272 Or. at 523, 538 P.2d 57, and would not lend itself to a later assertion of res judicata, Annotation, 149 A.L.R. 557 (1944), or collateral estoppel. Even were there a judgment based on a final order dismissing the suit with prejudice, the question would remain on remand whether such a judgment "actually and necessarily included," and was therefore determinative of, defendant's strict liability. See ORS 43.160; *Lewis v. International Business Machines Corp.*, 393 F.Supp. 305 (D.C.Or.1974). Where the first judgment was based on a dismissal with prejudice after settlement by the parties, it may be unclear whether or not the judgment is actually determinative on the issue in question. For example, the settlement may be a compromise on the issue of liability, which defendant continues to disclaim. 4 Collateral [43 Or.App. 388] estoppel might also be inappropriate when the prior lawsuit has been settled in those

" * * * instances in which the party to the first case, at the time of that litigation, does not realize that subsequent litigation is in the offing. Depending upon the circumstances, this might be the basis for a valid argument

9 COURT'S ORDER REGARDING STATE DEFENDANT'S MOTION TO
VACATE FEE WAIVER – GRANTED WITH ORDER ALLOWING PLAINTIFF 30
DAYS TO CURE

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Laches depends on the circumstances of each case and will not be "applied mechanically to every situation" merely because a party has acted with neglect. *McIver v. Norman*, 187 Or. 516, 544, 213 P.2d 144 (1949). In that sense, <laches> differs from legal <defenses, such as the statute of limitations. *Rise v. Stickel*, 59 Or. App. 675, 684, 652 P.2d 364, rev den 294 Or. 212 (1982). The analogous statute of limitations does, however, provide guidance in determining whether an unreasonable period of time has passed. *Id.* And, when an action is commenced after the expiration of the analogous statute of limitations, the plaintiff has the burden of proving the absence of laches. *Id.*[fn8]

In *BRUNS v. WALTERS*, 175 Or. App. 360 (2001), the court also stated in part:

"The harm or prejudice to a defendant necessary to the laches> <defense can be * * * a disadvantageous change in position," *Rise v. Steckel*, 59 Or. App. 675, 685, 652 P.2d 364, rev den 294 Or. 212, 656 P.2d 943 (1982), "making it inequitable to afford the relief sought against a party asserting laches," *Hanns*, 246 Or. at 305.

In *VOSSSEN v. FORRESTER*, 155 Or. App. 323 (1998), the court stated in part:

Where a defendant raises a <defense> of <laches>, but the analogous statute of limitations for an action at law has not run, the defendant bears the burden of proving that laches applies. *Fontana v. Steenson*, 145 Or. App. 229, 232, 929 P.2d 336 (1996). In the present case, the parties agree that defendant bore the burden of proof. Defendant therefore was required to establish the three elements of laches: (1) that plaintiffs delayed in asserting their claim for an unreasonable length of time; (2) that plaintiffs had full knowledge of all of the relevant facts; and (3) that the delay resulted in such substantial prejudice to defendant that it would be inequitable to grant plaintiffs the relief requested. *Id.*, citing *Mattson v. Commercial Credit Business Loans*, 301 Or. 407, 419, 723 P.2d 996 (1986).

Pages Not Numbered this is to
show the volume of documents
used in an ongoing vendetta

2:15-cv-02390-SB

Exhibit

#5

Declaration of Robert Woodroffe IN
the Matter of Robert King, Jr with
Exhibits - Malheur Circuit Court Case No. 15CV1047

THIS PROVES an ongoing vendetta for 12 years.

THIS IS PROOF the Plaintiff has

Been Conducting an ongoing Vendetta

Against Defendant King since 2005.

THIS case [Malheur 15CV1047] was

Dismissed and the Court of

Appeals upheld the Dismissal. King Won.

THIS Exhibit is to show the volume of fraudulent
declarations Plaintiff accumulated over 12 years against defendant

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MALHEUR

ROBERT WOODROFFE,
Plaintiff,

v.
STATE OF OREGON,
et al Defendants.

Case No. 15CV1047

DECLARATION OF ROBERT
WOODORFFE IN THE MATTER
OF ROBERT KING JR. WITH
EXHIBITS.

I. Robert Woodroffe hereby declare that:

1. I am the plaintiff in this matter and am a prisoner at TRCI in umatilla, Oregon.
 2. I had previously file a motion for copies and the court denied the motion citing Division 139 inmate legal affairs claiming this was not required, by the courts to approve or plaintiff to get done.
 3. Plaintiff is using the following exhibits in support of his responce Per ORCP 21 as follows.
 4. I have a letter from Micheal Mahoney which establishes the start of defendant Kings fraud and deception to courts to deny me do process and conspire and attempt to get me locked down in the prison and had I been untrained completely in law as most prisoners them I would be in segragation wrongly. and this 1st exhibit is a letter dated 6-19-2014 exhibit 1 and exhibit 2 is a letter from Mr. Mahoney dated june 30th 2014. and exhibit 3 is a misconduct report dated 6-10-14 by K. Short of TRCI SIU which Mr. Mahony manipulated into the mis conduct. and exhibit 4 is the finding and facts which show that the misconduct was friverious and soley to retaliate and harass plaintiff for filing civil actions. Exhibits 6 thur 39 are declarations of inmates and a affidavit to show that Robert King has had a history of setting plaintiff up and framing him on false allegations.
 5. Mr. King was attempting to get me wrongly placed in segragation and paid Micheal Mahoney his service rate to call the prison which the prison recieved several calls to Ms. Short and minipulated her into writing a misconduct and Robert King Knew this could not be done and knew that it was pure harassment and retaliation by him toard me to do as he has for several years making me fear
- PAGE 1 DECLATION OF ROBERT WOODROFFE IN MATTER OF ROBERT KING WITH EXHIBITS

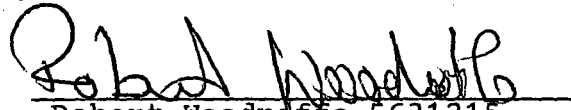
EX-5 Q420.1-A

for my safety.

6. Exhibit 5 is a letter from me to Mr. Mahoney and with all these exhibits one can see there is a problem with mr king toards plaintiff and lastly is a letter from Mr. King that is a copy of an original that I got copies of to sent to prison personal and Umatilla courts showing his demeanor toards me and trying to get me in harms way and made threats toards me.. *Exhibit 34*

" I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 1st day of November 2015.


Robert Woodroffe 5631215
82911 Beach Access Rd.
Umatilla Oregon 97882.

EX-5 7 11

CERTIFICATE OF SERVICE

COMES NOW, Robert Woodruff, and certifies the following:

I am incarcerated by the Oregon Department of Corrections at Two Rivers Correctional Institution. That on the 5 day of November, 20 15, I personally placed in the Correctional Institution's mail service A TRUE COPY of the following:

Declaration of Robert Woodruff in the matter
of Robert King Jr. with exhibits

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

Number of copies (1) sent to:

Michael Bunting
Attorney at Law
225 SW Ferguson
Portland Oregon 97801

Number of copies () sent to:

Number of copies () sent to:

Number of copies () sent to:

Robert Woodruff
(Signature)

Print Name Robert Woodruff
S.I.D. No.: 5831215
Two Rivers Correctional Institution
82911 Beach Access Rd
Umatilla, OR 97882

EX-5
DUAL 3-A

Michael R. Mahony
Attorney at Law

280 A Street East
P.O. Box 220
Vale, Oregon 97918

Admitted in
Oregon, Idaho
and Washington

Phone: (541) 473-3141
Fax: (541) 473-2651
mahony@valelawyers.com

June 19, 2014

Robert Woodroffe
SID #5031215
TRCI
82911 Beach Access Rd.
Umatilla, Oregon 97882

Re: Woodroffe vs. King
Umatilla County Circuit Court Case #CV140812

Dear Mr. Woodroffe:

On June 16, 2014, my office received from you the following: (1) a letter dated June 10, 2014; (2) a Summons; and (3) a copy of your Verified Complaint for case #CV140812. Please be advised of the following: (1) I have not accepted service of your Summons and/or Verified Complaint on behalf of Mr. King; and (2) I am not authorized to accept service of your Summons and/or Verified Complaint on behalf of Mr. King. My staff has checked with OJIN and found a note that your motion to serve the complaint by mail was denied by the court. Enclosed please find a copy of that note.

Very truly yours,

Mike Mahony

CC: Robert King

File copy

Exhibit 5
~~Exhibit 1~~
Duro

Michael R. Mahony
Attorney at Law

280 A Street East
P.O. Box 220
Vale, Oregon 97918

Admitted in
Oregon, Idaho
and Washington

Phone: (541) 473-3141
Fax: (541) 473-2651
mahony@valelawyers.com

June 30, 2014

Robert Woodroffe
SID #5031215
TRCI
82911 Beach Access Rd.
Umatilla, Oregon 97882

Re: Woodroffe vs. King
Umatilla County Circuit Court Case #CV140812
June 26, 2014 letter received June 30, 2014

Dear Mr. Woodroffe:

I have received your June 26, 2014 letter. I have not been retained by Mr. King in case #CV140812. Please review the attached copy of my June 19, 2014 letter to you. Nothing has changed since then. I am not authorized to accept service for Mr. King in case #CV140812 and thus will not accept service for Mr. King in case #CV140812.

Very truly yours,


Mike Mahony

CC: Robert King

Ex-5
exhibit
A

OREGON DEPARTMENT OF CORRECTIONS MISCONDUCT REPORT

CASE # _____

Name: Woodroffe, Robert SID # 5631215 Housing: AH11 Assignment: _____
(Last, First, MI)

ODOC Facility: TRCI Location of Violation: AHU/mail Date: 06/10/14 Time: unknown

Charge(s) WRITE IN THE APPROPRIATE RULE(S)

<u>2.15</u>	<u>Extortion</u>	<u>Major</u>			
Rule #	Title of Rule	Major/Minor	Rule #	Title of Rule	Major/Minor
<u>3.15</u>	<u>Fraud</u>	<u>Major</u>			
Rule #	Title of Rule	Major/Minor	Rule #	Title of Rule	Major/Minor
<u>4.35</u>	<u>Racketeering</u>	<u>Major</u>			
Rule #	Title of Rule	Major/Minor	Rule #	Title of Rule	Major/Minor

Description of violation (explain how you discovered/learned the facts and who, what, when, where, and how. Use continuation sheet if needed.):

In mid June 2014, I received a voice mail from Attorney Mike Mahony. Mr. Mahony and I made multiple attempts to contact each other, without success. On July 11, 2014, I received several documents, including a typed letter from Inmate Woodroffe, #5631215, addressed to Mr. Mahony (Mahony). The letter is an attempt to have Mr. Mahony notify or serve Inmate King, #6217368, in regards to a current lawsuit, #CV140812, that Inmate Woodroffe has filed against several ODOC staff and inmates, including Inmate King. Inmate Woodroffe also discusses his willingness to settle the case.

Inmate Woodroffe clearly wrote an extortion type threat within the letter. Inmate Woodroffe threatened to send, what he claims to be detrimental documents about Inmate King to the parole board, if the current lawsuit wasn't resolved by the time Inmate King is scheduled to see the parole board. Inmate Woodroffe stated that he was open to a fair offer and if Mr. Mahony was interested, to set up a call on a secure line within the prison, so that they could discuss the case.

Also included is a letter from Mr. Mahony to Inmate Woodroffe, stating that he (Mr. Mahony) is not authorized to accept service on behalf of Mr. King. It also stated that Inmate Woodroffe's motion to serve the complaint by mail was denied by the court on 5/29/14. A copy of the OJIN report is also included. There is also a letter from DOJ, stating that Inmate Woodroffe had not properly served the defendants in the case. Inmate Woodroffe was also instructed to direct any correspondence to the defendants through Shannon Vincent, Senior Assistant Attorney General.

On July 14, 2014, I called and left a message for Mr. Mahony. Mr. Mahony returned my call later in the day and we discussed said documents. Mr. Mahony was clearly upset and stated, "I don't appreciate being extorted by Woodroffe. It is wrong! He is wasting my time and Mr. King's money. He needs to be held accountable for this." (continued)

Disposition of Physical Evidence: Please refer to attached documents for details

Staff Witnesses: none

Immediate Action Taken: Misconduct report written

Submitted by: K. Short [Signature] Inspector 2 [Signature] Time: 12:20pm Date: 07/17/14

Printed Name and Signature

Title

Reviewing Supervisor: J. Edison [Signature] LT Time: 1:30 am/pm Date: 7/17/14

Printed Name and Signature

Title

*****PLACED IN HOLDING STATUS*****

As officer-in-charge, I have reviewed the foregoing Misconduct Report and find that the rule violation(s) is/are of such a serious nature that the good order and security of the facility require immediate removal of the inmate and placement in segregation status because:

Placed in Segregation by: _____ Time: _____ am/pm Date: 7/17/14

Printed Name and Signature

Title

Pre Hearing Segregation Approved: _____ Denied: _____ Release Ordered: _____

Signature

Title

Date

Inmate Copy Delivered by: [Signature] [Signature] 137 7-17-14

Printed Name and Signature

Title

Time/Date Served

CD 293D (11/95)

Ex 5 shift 3
Page 3

DEPARTMENT OF CORRECTIONS

Misconduct Report

Continuation sheet

Page 2 Of 2 Pages

Name: Woodroffe, Robert, Inst # 5631215
(Last) (First)

Inmate Woodroffe used the criminal act of extortion in an attempt to obtain personal, financial gain.

Inmate Woodroffe also committed fraud by attempting to utilize the United States Postal Service to obtain proof of service for a lawsuit, after being denied that request by the court.

Signed: Insp. K. Short

CD 293 p.2 (92)

Reporting Employee

Date: 07/17/14



Oregon Department of Corrections (ODOC)

Disciplinary Hearing

Finding of Fact, Conclusion, and Order

Offender Name: Woodroffe, Robert Craig
SID: 5631215

Case #: 1406 TRCI 0204 TRCI 25
Date(s) of Hearing: 07/23/2014

Rules Charged

2.15 - Extortion I
4.35 - Racketeering
3.15 - Fraud

Plea
None
None
None

RECEIVED

JUL 24 2014

TRCI SUPERINTENDENT'S OFFICE

Procedural Points

Documentation provided at the hearing indicated that the inmate had been given a copy of the Misconduct Report, Notice of Hearing/Inmate Rights and the Rules of Prohibited Conduct.

Per written testimony from staff, the inmate declined to attend the hearing and, as such, waived his right to be present at the hearing.

Finding of Fact

Ultimate Findings of Fact and Conclusions

Rule 2.15, Extortion I; 3.15 Fraud; and Rule 4.35 Racketeering; are dismissed due to insufficient evidence. When inmates pursue any legal actions, any alleged acts of misconduct can not be pursued administratively. It would be up to the court/legal systems to determine if any actions should be taken.

Preliminary Order

Rule	Charge
Extortion I	Dismissed

Racketeering	Dismissed
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R

exhibit 4



Oregon Department of Corrections (ODOC)

Mission: To promote public safety
by holding offenders accountable
for their actions and reducing the
risk of future criminal behavior

Disciplinary Hearing
Finding of Fact, Conclusion, and Order

Offender Name: Woodroffe, Robert Craig
SID: 5631215

Case #: 1406 TRCI 0204 TRCI 25
Date(s) of Hearing: 07/23/2014

Rule Charge
Fraud Dismissed

Hearing Officer: Deacon, James

Functional Unit Manager:

Date: 07/23/2014

Date: 7/28/14

Final Order: ☒ Approved

☐ Order Hearing Reopened

☐ Amended per below

6/26/14

22' Woodruffe v. State of Oregon et al
Case NO. CV140812

Dear Mr Mahony,

I appreciate your letter, but would like to correct you and your understanding of what the alleged note you mention on service, you may want to look at the order in whole and substance, it did not say I could not do service by mail it, said I could not get an order direct TREC to allow me to do service, also service was done in my name so it is allowed you are also retained by Robert King, and the investigators in State of Oregon v. DeFrank case by investigators also confirmed it not to mention King loved to brag how you on Retainer and King calls you a couple times a week which can be confirmed and his recorded calls, so case law will support service, I also served his brother in Alabama who manages his money, and next will be service by publication then file for B

Page 2

Defendant, doc. will support Summary Judgment for me if I file an Answer. So Mr King's Actions will come before Court in Fall and also be made a part for his next possible hearing. Mr King may wish to settle this case which I'm willing to do if you'd like to know the case and evidence in Fall then set up a phone call and you will understand in Fall the Damage of King's Actions and the Reputations it will bring if it continues to move forward, I am fine with taking it all the way which Mr King knows I'm capable of doing. but I welcome your call if you wish to discuss all the details.

Sincerely

Robert Woodhuffe

5631215

82911 Beach Access Rd
Umatilla, Oregon 97882

DECLARATION
(ORCP Rule 1E)

I, Mark S. Hammel, do declare:

(1) I am a resident of Oregon and I reside at: SRCI

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) on 4-23-06 on Asu yard I heard inmate Alex Swangle say that
Bobby King threatened Swangle's family if Swangle did not support
King's story to set up Woodruff, Robert. Swangle also said James
Yaney and Jones also in support of King's story to set up Rob
Woodruff

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 23rd day of April, 2006.

Mark S. Hammel
 (Signature)
 Print Name: Mark Hammel
 Sid # 10480005
 Snake River Correctional Institution
 777 Stanton Boulevard
 Ontario, Oregon 97914-8335



exhibit 6

DECLARATION
(ORCP Rule 1L)

I, John D. Starr, do declare:

(1) I am a resident of Oregon and I reside at: SRCI / ODOC

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) ON 4-23-06 INMATE ALEXANDER SWANGLER SAID THAT BOBBY KING THREATENED HIM IF HE DID NOT GO ALONG WITH INMATE BOB KING STORY TO SET UP ROBERT WOODRUFF, BOB KING THREATENED TO HARM SWANGLER'S FAMILY.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 4 day of 23, 2006.

4-23-06
John D. Starr

John D. Starr
(Signature)
Print Name: John D. Starr
Sid # 7242665
Snake River Correctional Institution
777 Stanton Boulevard
Ontario, Oregon 97914-8335



EXHIBIT 17

DECLARATION
(ORCP Rule 1E)

I, Ryan Anthony Miras, do declare:

(1) I am a resident of Oregon and I reside at: Snake River Correctional facility.

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) In 2004 I was placed in the Administrative Segregation Unit at Snake River. Upon my arrival I witnessed inmate Cameron being taken to Seg. The next day I was on the A.S.U. yard and inmate King and inmate Cook talking about why inmate Cameron was taken to Seg. Inmate King told the group how he and Cook told the unit Sgt. that inmate Cameron was recruiting other inmates to make a "hit" on an officer. Inmate King stated "they believe what I say because they are scared of my lawyer. And now he wouldn't have to worry about inmate Cameron." He told me he'd done it before and could do it again. I asked what



1 he meant and he just told me not to
2 fuck with him.

3 Another incident also involved inmate
4 King and Cook. They were having words
5 everyday with inmate Carver. At this
6 time I was the unit razor orderly.
7 I was approached by inmate King and was
8 asked for a razor. I watched inmate King
9 hand the razor to inmate Cook and tell
10 him to "go ahead." About 1 hour later
11 I was approached by the unit C/O
12 and was asked if I was missing
13 any razor parts. I took inventory and found
14 I was missing two electric razor blades.
15 The 3rd shift came on at 2:30 and
16 went straight to inmate Carver's cell
17 and searched it and came out with the
18 missing blades.

19 Had anybody asked me I could have
20 told them that since inmate Carver
21 was on L.O.P that he shaved by
22 himself and when handed back the
23 razor I observed both blades to be
24 in their proper place. Since inmate
25 Carver was on L.O.P this would have
26 been his only chance to have access

1 to the razor blades in question.
2 The next day inmate King told me I
3 better not say anything because not only
4 was I part of it, but the same kind
5 of thing could be done to me
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14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 25 day of April, 2006.
18

19 Ryan A. Miras
(Signature)
20 Print Name: Ryan A. Miras
21 Sid # 13787170
22 Snake River Correctional Institution
23 777 Stanton Boulevard
24 Ontario, Oregon 97914-8335

AFFIDAVIT OF TRUTHFULL STATEMENT

STATE OF OREGON)

) ss.

COUNTY OF MALHEUR)

I, MONTANA WAYNE CARVER, do depose and say:(1) I am a resident of Oregon and I reside at: Snake River Correctional Institution 777 Stanton Blvd, ONTARIO OR 97914

(2) That I am competent to testify to the matters stated herein;

(3) That I have personal knowledge of the facts stated herein;

(4) That all facts stated are true and correct, and admissible as evidence.

(5) That do to staff conflicts from my past 18 years of imprisonment ive staff that HATES me for reasons of informing on bad staff and inmates. staff like Sgt S. LANGE X-Cop Detective Police force.this man HATES inmates for his own reasons, and because he HATES himself, of causing himself to be removed from the prior Post Police force for illegal actions caught redhanded, so im told.Sgt S. LANGE has Prior habits of stealing personal property from inmates he hates and giving it to other inmates.He has conspired with inmates and staff and himself to allow for inmates cells to be opened for possible assaults, for inmates to enter cells, and plant contraband

1 in said cells for Sgt. S. Lange so he can search the
 2 cell and find said items to have said inmates removed
 3 from the unit to D.S.U. - I.M.U. et. al. and to
 4 make his personal work file look better for job
 5 title promotions and advancement in pay.

6 He lies on inmates,
 7 damages inmates personal property, art work, and such
 8 causing the state and Department lawsuits "Paid Damages".
 9

10 I believe he has received cash money from inmate Robert H. King
 11 IR Thru the mail, but off the record, Kings a Million
 12 air and will pay to have his way if he dislikes you, he
 13 will pay dirty staff to do this and staff take advantage
 14 of him and others for the same matters.

15 for over two
 16 years while in this unit I've had this happen to me and
 17 watched it happen to others with my own eyes.

18
 19 I've had this happen to me violating a Court order and
 20 have inmates to testify in behalf of this statement.

21
 22 I've exact knowledge of state and federal, civil laws
 23 and rights to know that under Prison litigation a
 24 Polygraph is admissible in a court of law.

25 I've
 26 sent Court filings and evidence and exhibits to prove myself

1 Creditable but not Confidential, The state has put me in the
 2 Salem Statesman Journal News Paper stating this a

3 True
 4 Attached a case law to verify this in any Court of law.

5
 6 am willing to testify, take a Polygraph et al. in
 7 behalf of this Truthfull Statement under Penalty
 8 of Perjury.

9 Sgt. S. LANGE Steals Personal Property From
 10 Inmates he HAZTS and gives it to others trying
 11 to cause conflicts between inmates just to see
 12 them get assaulted.

13 He lies to Supervisors when Confronted
 14 to save himself. but they say staff dont lie, I wish
 15 to God this was true.

16 Sgt. S. LANGE is HAZAROUS to All

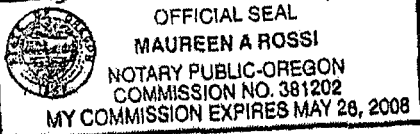
17
 18 I do hereby swear or affirm that the above information is true to the
 19 best of my knowledge and belief.

20 Maureen Lynn Carver
 21 (Signature)

22 State of OREGON

23 County of Malheur

24 Signed and sworn to (or affirmed) before me on 9-13- 20 05.



Maureen A. Rossi
 Notary Public-State of Oregon

My commission expires: 5-26-08

DECLARATION
(ORCP Rule 1E)
(28 USC 1746)

I, Jonathan L. Heath, do declare:

(1) I am a resident of Oregon and I reside at: Snake River
Correctional Inst.

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) In the administrative segregation,
side 'B', on or about August 25th 2005,
I was talking to inmate Robert King sid #6217368,
and MR. King told me the following in substance:
MR. King asked me if "I knew who inmate
Woodruff was." I said "no." MR. King then
stated, "He's the punk motherfucker who I sent
to the hole." I said, "oh yeah?" King said,
"Yeah." King said, "I wrote a two page report
telling the cops that Woodruff was going to
stab SGT. Lange." I said, "wow." King said,
"Woodruff aint nobody but a piece of shit
anyways. He sold everyone in here prison, and
then told the cops that they stole his stuff.
It couldn't of happened to a better person."

1 I said, "well, what if I got mad at
 2 you, and told the cops you had a share
 3 in your cell when it wasn't true?"
 4 King said, "They would search my cell
 5 and not find a knife. But see, I got
 6 money, and SGT. Lange took \$50⁰⁰ to plant
 7 a pair of ground up clippers in Woodruff's
 8 cell. HA, HA, HA, see there kid, that's how
 9 the world goes round in these places."

10
 11
 12
 13 In administrative segregation, at S.R.C.Z.,
 14 'A' side, on or about July 25th 2005,
 15 I saw SGT. Lange and C/O CAVARESS
 16 inventorying inmate Woodruff's property
 17 in the outer hallway of ad-seg.
 18 on the floor, away from the main collection
 19 of property, was a clear small tupperware
 20 container with about 50 colored pencils,
 21 and a yellow pad of 100lb. drawing paper.
 22 At around this same time and date,
 23 SGT. Lange came into the unit and gave
 24 inmate Morris the colored pencils and
 25 drawing paper as a gift. MR. Lange said,
 26 "Here you go, have fun."

Jonathan Heath
 SID#11257500

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"PURSUANT TO ORCP 1E AND FEDERAL RULE 28 USC 1746"

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 7th day of September, 2005.

18
19
20 (Signature)

Print Name: Jonathan Heath

Sid # 11252500

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)

I, JONATHAN WAYNE SUSBAUER ^{SID#08892207}, do declare:

(1) I am a resident of Oregon and I reside at: SNAKE RIVER CORR. INST.,
777 STANTON BLVD, ONTARIO, OR 97914-8335

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) On June 11, 2005 Robert Woodruff was sent
to the DSU "hole" from Ad-Seg. for supposedly having
RAZORS in his cell.

Sometime thereafter about two weeks later, while
I was talking to Robert H. King, in the closet-work
Room. He told (bragging) about how he set Woodruff
up by placing RAZORS into his cell. Also what is funny,
I and several inmates, WITNESSED King buying and
Receiving RAZORS from Canteen.

I sent a letter to my close friend Price
Westerbergh (SID#7208393) who was put into the
"hole" for supposedly having sexual relations with
several staff members (even though the several inmates
lied about such stuff - one them was King).

A week later, I was called from REC/Dayroom

Exhibit H

1 activities and sent to IMU-B (Ad. Sec.) office where
 2 I was not "interviewed" but "interrogated" by
 3 INVESTIGATOR SERANO.

4 He asked if I wrote something about Woodruff
 5 being set-up by King. He then implied that I was wrong
 6 and LIED about it and that "I'm in BIG TROUBLE" if
 7 this was true.

8 I was scared for my life and intimidated by such
 9 vehemence from someone who is a staff member
 10 of DOC. He was implying that he was working all
 11 along with Robert King and that what I was telling
 12 the truth (in his mind) that I was telling a story.
 13 I did not know that Westerberg was two cells away in DSU.

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 11TH day of June —, 2006.

19 Jonathan W. Susbauer
 (Signature)

20 Print Name: JONATHAN W. SUSBAUER

21 Sid # 08892207

22 Snake River Correctional Institution

23 777 Stanton Boulevard

24 Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)

I, Eric Hasselblad, do declare:

(1) I am a resident of Oregon and I reside at: 777 Stanton
BLVD Ontario Oregon 97914

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) Today while on the yard Alexander Swangel
said that he filed false affidavits against
^{EH} ~~inmate~~ inmate Robert Woodroffe to get him
thrown in segregation. Swangel said that
inmate Robert King forced and extorted
him to lie about inmate Robert Woodroffe.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 23 day of April, 2006



(Signature)

Print Name: Eric Hasselblad

Sid # 14180517

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, Oregon 97914-8335

Exhibit 12

DECLARATION
(ORCP Rule 1E)
(28 USC 1746)

I, Charles P. Boone, do declare:

(1) I am a resident of Oregon and I reside at: S.R.C.I.

777 Stanton Blvd. Ontario Or. 97914.

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) while I was on B side Ad seg

I noticed Robert Woodroffe was
having problems with the sign up
and use of the law library.


I also want to bring to attention
that Robert had no dealing with
inmate King or inmate King's
Friends what so ever. To put
it blunt they did not like
each other and I personally
know this for a fact because
he hung with us B.J. Beatty,
Vannoy and myself. If not with
us he was in his cell doing
his legal stuff.

1 I would also like to add
 2 that it is common knowledge that
 3 King set him up. (Everyone knows)
 4 King went to the extreme as
 5 to brag about it the 2nd time
 6 was due to inmate Cobb
 7 and inmate Manzo. Inmate Manzo
 8 ~~are~~ good friends with King which
 9 many are mainly cause of fear
 10 he is a legal begal and has
 11 money to enforce it.

12
 13 "PURSUANT TO ORCP 1E AND FEDERAL RULE 28 USC 1746"

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 23rd day of August, 2005

18
 19 
 20 (Signature)
 21 Print Name: Charles P Boone
 22 Sid # 15045815
 23 Snake River Correctional Institution
 24 777 Stanton Boulevard
 Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)
(28 USC 1746)

I, Mike Whitman, do declare:

(1) I am a resident of Oregon and I reside at: SRC I 777 Stanton Blvd
Ontario OR, 97914.

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) I was asked questions by Captain Milborn about inmate Woodruff

The questions were 1) Did I know this person or make any dealings with him and

the second was 2) Did I hear this person say or make any threats to or about staff,

Many people on ASU-B side where question, there were a few who didn't want Woodruff

in the unit, I did hear from some of these people that they ^{where} responsible for Woodruff

being sent to DSO. I never heard any thing said about staff. I did hear from inmates in the
unit that they wanted Woodruff gone and they would try to keep him gone off the unit.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY

KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS

EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

"ALSO PURSUANT TO ORCP 1E AND FEDERAL RULE 28 USC 1746"

Dated this 27 day of Aug, 2005.

Mike Whitman

(Signature)

Print Name: Mike Whitman

Sid # 13892900

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, Oregon 97914-8335

Exhibit 84

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,
Plaintiff,
v..
STATE OF OREGON,
Et,al., defendants.

Case No.CV140914

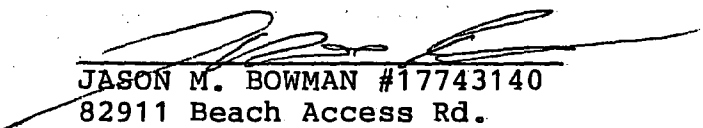
DECLARATION OF JASON
BOWMAN.

I Jason M.Bowman,do declare that:

1. I recieved a letter from Kurtis lee mcvae sid # 16103338 on 7-7-14 which was dated from him on 7-2-14 and in it he states on page one that he recieved law suit from Robert Woodroffe.
2. Mcvae and Robert King bragged how they were setting up Robert Woodroffe for a false PREA charge to get him sent to IMU and new charges against him.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF,AND THAT I UNDERSTAND IT IS MADE FOR THE USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Date this 12th day of july 2014.


JASON M. BOWMAN #17743140
82911 Beach Access Rd.
Umatilla Oregon 97882.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,
Plaintiff,
v.
STATE OF OREGON,
et al Defendants.

Case No. cv 140812

DECLARATION OF JASON
BOWMAN

I, JASON BOWMAN# 0743140, do declare that:

1. That I hang out alot with Kurtis mcvae and he informed me that Frank Mulligan drafted a legal paper for Kurtis mcvae to sign and send to umatilla court.
2. Kurtis told me to tell Robert he was sorry and that Mulligan and company/friends minipulated Kurtis Mcvae into lying against Robert Woodroffe to set him up and get off the unit.
3. To my knowledge Robert Woodroffe has never set no one up and I doubt he would due to he has everything and its just not something he would do to someone.
4. Robert Woodroffe was tramatized over inmates trying to set him again even though he got out of it and was dismissed but still something should of been done to people who try to set up others besides the free rides that TRCI continues to give out.
5. Robert Woodroffe does his own thing and messes with no one to my knowledge and belief.

" IHEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALITY FOR PERJURY"

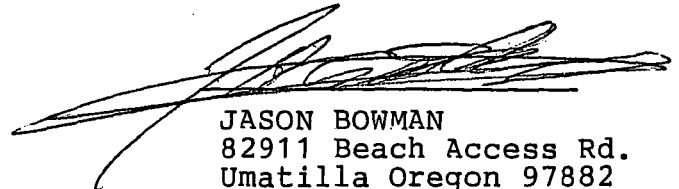

JASON BOWMAN
82911 Beach Access Rd.
Umatilla Oregon 97882

Exhibit 116

DECLARATION OF ROBERT DALE ALEXANDER

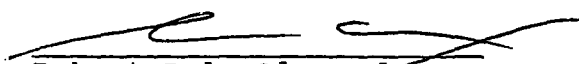
1. In about mid. December 2013. I was sitting at a table in the dayroom of AHU at TRCI, when I overheard Inmate Curtis McVay tell some other guys he was sitting with playing cards that Bobby King was paying him \$120 to call PREA on Inmate Woodroffe.

2. Then maybe a week or so later, I was Again sitting at a table in the dayroom and heard Inmate McVay tell the guys he was sitting with how mad he was at King because he was only getting paid \$50 , and that King was burning him.

3. About a week or so into January 2014. We were gathering at the door to the outside of the unit when McVay came up to Inmate King and said to him you still owe me a bag of chips and some coffee for setting up Woodroffe, Inmate King Promptly pulled the McVay kid away and out of ear shot.

"I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY"

Dated this 25th day of February, 2014.


Robert Dale Alexander
10735733
82911 Beach Access Rd.
Umatilla, OR 97882

DECLARATION
(ORCP Rule 1E)

(28 USC 1746)

I, Sidney S. Meeham, do declare:

(1) I am a resident of Oregon and I reside at: 777 Stanton Blvd.
Ontario OR 97914

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) On or about 6-6-05 Mr. Woodroffe
and Bobby King Jr. were having a lil argument.
This was in the morning time. Mr. Woodroffe.
then went to use the law library.
At that time Mr. King started to write
kytes using woodroffes name. He was
reading them out loud and Sgt. Lange got
on the intercom and told King if
he wrote them kytes in the dayroom
he was going to DSCU. Mr. King then
went to his cell, But stated if someone
foots with me I don't play fair.
I think that day Sgt. Lange did a Shakedown
on Mr. Woodroffe cell. I do remember
other inmates saying Sgt. Lange messed

1 with woodroffe legal property, during
2 that shutdown. two or three days
3 after that woodroffe was in DSU.
4 the same day woodroffe went to DSU.
5 mr. king came up to me in the day
6 room and said: woodroffe is going down
7 for threatening Sgt. Lange and if I was
8 to say I heard mr. woodroffe threaten
9 Sgt. Lange. C/o Fowler pulled me in
10 the office that night to ask about
11 all of what mr. king was talking about.
12 I told her mr. king is trying to set
13 mr. woodroffe up and wants me to
14 cosine for his story. Also mr. king
15 would pay me to do so!
16 C/o Fowler said she would tell capt. millhorn
17 to come talk with me about what I
18 told mr. fowler. When capt. millhorn came
19 to the unit to interview just about
20 everyone in the unit about this issue
21 he never to this day interviewed me
22 on this issue. About a week latter
23 I asked C/o fowler if she told
24 capt. millhorn about what I said. She
25 said: "No she hasent had the time."
26

1 Then about a week after that Mr. King
 2 was bragging to everyone that he put
 3 Mr. Woodruffe in IMU for 3 years.
 4 Mr. King was using this to intimidate
 5 other inmates. I also know that Mr. King
 6 payed at least three other inmates to
 7 write kytes on Mr. Woodruffe. This was
 8 not the first time I seen Mr. King
 9 do this sort of thing. Mr. King is well
 10 known to pull off this sort of thing.
 11 the end!

"PURSUANT TO ORCP 1E AND FEDERAL RULE 28 USC 1746"

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 25 day of August, 2005.

(Signature)

Print Name:

Sidney mecham

Sid # 13113230

Snake River Correctional Institution
 777 Stanton Boulevard
 Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)
(28 USC 1746)

I, Price Richard Hesterberg, do declare:

(1) I am a resident of Oregon and I reside at: 777 Stanton Blvd
Ontario - Oregon 97914.

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) This affidavit is in response to a recurring
situation taking place within the boundary of
Administrative Segregation Unit "ASU", the manipulation
of staff for the purpose of establishing a
hierarchy among a group of people. Robert H. King
SIO # 6217318, Douglas French SIO # 12042104, John Cobb
SIO # 6132618 are currently and have been creating
various and numerous incidents among inmates
through the use of lies, deceit and intimidation
of being expelled from add seg if one does not
go along with these plans. these inmates named
above are controlling who works, who goes to
the yard, who live on these unit, who are placed
on lock down status and who are placed in
disciplinary Segregation. This is my story.



1 In the month of April of year 2005 I
2 was approached on several occasions by
3 inmate Robert King, SN# 6217312, concerning
4 another inmate name Robert Woodruff SN#
5 5621215. Robert King repetitively made the
6 comments that Robert Woodruff was a
7 child molester and he didn't need to be
8 taking up time slots in the law library.
9 He further stated that he will take parts
10 off the typewriter and claim Robert Woodruff
11 did it but wanted me to back up his claim.
12 I told Robert King "no" that he needs
13 to stop causing problems and stop thinking
14 everything in this unit belongs to him.
15 Robert King's response was to tell me
16 he was only talking, don't take things
17 so seriously that he was just testing
18 me. Three weeks later I was taking to
19 the Disciplinary Segregation unit for
20 inmate staff relationship. Douglas Jurch
21 and inmate John Cobb, told officers I
22 confessed to them and inmate Robert-
23 King that I was having sexual relation-
24 ships with two female officers plus that
25 I had two more female officers twisted
26 around my fingers and I could have any-

1 one put in the hole. also they stated
2 I was going to use this information to
3 force the Oregon Department of Corrections
4 into an out of state transfer. these inmates
5 have been engaging in this type of behavior
6 for over a year because Robert King is teaching
7 these inmates that if they stick together
8 they can say anything.

9
10
11
12
13 "PURSUANT TO ORCP 1E AND FEDERAL RULE 28 USC 1746"

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 16 day of October, 2005.

18
19 Price Richard Westenberg
(Signature)
20 Print Name: Price R. Westenberg
21 Sid # 7208343
22 Snake River Correctional Institution
23 777 Stanton Boulevard
24 Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)

I, Matthew Hawk, do declare:

(1) I am a resident of Oregon and I reside at: Snake River Correctional Institution, 777 Stenter Blvd, Ontario OR. 97914

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) On or about 4-19-06 I was talking with an inmate Bobby King sid # 6217368 he was telling me about an individual named Robert Woodroffe sid # 5631215 whom he hated due to Mr. Woodroffe thinking he knew anything about the legal system he further stated that he intentionally set up Mr. Woodroffe with a razor blade and stated "he got what he deserved" meaning Mr. King had made false accusations to officers to intentionally get Mr. Woodroffe in to trouble.



1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____

14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 8 day of June, 2006.

18 _____
19 _____
20 (Signature) _____
21 Print Name: Matthew Hulse
22 Sid # 12976987
23 Snake River Correctional Institution
24 777 Stanton Boulevard
Ontario, Oregon 97914-8335

DECLARATION
(ORCP Rule 1E)

I, Eric Hasselblad, do declare:

(1) I am a resident of Oregon and I reside at: SRCI 777
Stanton Blvd. Ontario, OR 97914

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) On or about November 16, 2005
I was in the Law Library with
inmate Robert King. Robert King asked
me if I would ~~through~~^{EX} throw
a pair of sharpened finger nail
clippers in inmate Robert Woodroffe's
cell. Robert King wanted to set
up Woodroffe with a weapon, to
try to send him to the hole
and I M U. I told Robert King
that I didn't want to be a
part of setting up inmate Woodroffe.

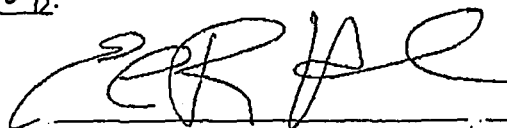
On or about November 23, 2006,
I was in the Law Library with inmate
Robert King. Robert King was bragging



1 to me about how he set up
 2 inmate woodroffe with a razor
 3 blade. He said he put a razor
 4 blade between a stack of ~~pg~~^{PH}
 5 paper and left it in the law
 6 library. When in-mate woodroffe
 7 went into the law library, officers
 8 came on searched and found a
 9 razor blade and blamed it on woodroffe.
 10 Robert King said he had the help
 11 of staff to set up woodroffe
 12 with the razor blade.

13 _____
 14 "I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 15 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 16 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

17 Dated this 16 day of April, 2006.
 18



(Signature)

Print Name: Eric Hasselblad

Sid # 14180577

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, Oregon 97914-8335

1 DECLARATION OF MICHAEL JAMES EVANS SRN NO. 11668134

2 I, Michael James Evans, being duly sworn do declare and
 3 say the following statements are true and correct under
 4 penalty of perjury:

5 1.) I am a witness to the stated events and or a victim of
 6 actions of Robert Hayden King Jr and can therefore offer
 7 the following testimony-

8
 9 2. On June 6, 2010 Robert H. King Jr. (Herein referred to
 10 as "Bobby") Paid on Joseph Zackery Scott, an inmate on
 11 Unit 1, A.H.U. at Two Rivers Correctional Inst. (T.R.C.I) one bag
 12 of instant coffee to make false statements to corrections
 13 officer Patter Allerman stating Scott had "over heard" me
 14 stating I was planning to attack and stab officer Allerman
 15 in an effort to have me removed from the unit and sent
 16 to Snake River A.S.U. at S.R.C.I. I was instead placed in D.S.U.

17
 18 3.) On July 4, 2010 Bobby, again upon my return to the unit,
 19 paid Joseph Z. Scott to make further false allegations to
 20 officer Allerman to again have me removed from A.H.U. at
 21 T.R.C.I. I was again placed in D.S.U. for 26 days and was
 22 granted an investigation which concluded on August 26, 2010
 23 and found there was in fact a conspiracy to have me removed
 24 from the unit instigated by Bobby King.

25
 26 4.) On October 6, 2010 I was transported illegally to S.R.C.I's

ASU in violation of OAR 291-046 and 291-105 as well as my 14th Amendment rights to due process and my 1st Amendment right to be free of retaliation for freedom of speech - see U.S.D.C. Case No. 3:11-cv-00272-ST. As in part due to on going pressure put in place by Bobby King.

5.) In September 2011 Bobby King offered the Hispanics on TRCIT's ASU upon my return from SRCI's ASU \$250⁰⁰ to attack me. The Hispanics reported him and he was transported to SRCI's ASU.

6.) On February 5, 2012 I was again illegally placed on SRCI's ASU and one week latter Bobby King was returned to TRCIT's ASU from SRCI's ASU.

7.) On December 29, 2013 Bobby King paid inmate David Wayne French to call the P.R.E.A. (Prison Rape Elimination Act) hot line on my self and inmate Lee Gordon Lamb to falsely claim we had "sexually harassed" him. resulting in my being placed in DSU for 10 days of January 2014 on unsubstantiated charges.

8.) On March 7, 2014 I was questioned by Two investigators from the law office of "Rader" who represents Danny DeFrank to ask me if I knew Mr. DeFrank as Bobby King had contacted The District Attorney prosecuting him

(DeBranks) claiming I would kill King if he testified at
 Danny DeBranks's trial. Only I do not know nor ever even
 heard of DeBranks.

9.) On March 20, 2014 I was approached by Capt. Laine
 Iverson asking me about DeBranks claiming King is
 trying to have myself and Robert Woodruffe thrown
 off the unit claiming we threatened to kill him ~~for~~ for
 his participation in DeBranks case.

10.) On March 24th 2014, I received a letter from a man
 Robert L. Banks stating Bobby King had made
 similar allegations to this D.A. about him as well.
 Dated this 4th day of April, 2014

Michael James Evans

Michael James Evans

#11668134

82911 Beach Access Rd.

Umatilla, OR 97882

(ORCP RULE 1E)

1

2 I, Lee Gordon Lamb, being competent, and of
3 sound mind, and based upon personal knowledge
4 and belief declare as follows:

5 1. I make this in support for Robert Craig
6 Woodruffe.

7 2. I have been a victim of Robert Hayden King
8 J's abuses.

9 3. He paid inmate David Wayne French aka:
10 Michelle Mystic \$50 in canteen in several
11 trips.

12 4. The above information was given to me by several
13 inmates who will be mentioned in a second Attached
14 declaration made previously dated the 28th
15 day of February 2014; consisting of 1 of 4
16 pages.

17 5. I also, on 8 different occasions heard, directly
18 from Bobby King's mouth, him bragging about
19 setting people up, especially inmate Woodruffe.

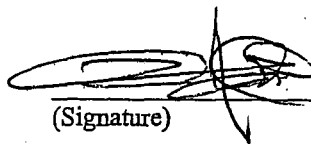
20 6. on or about Dec. 12th, I personally overheard
21 Mr. King openly bragging to several inmates that
22 he had paid inmate Kurtis Lee MacVae about
23 \$50 dollars in canteen which Mr. MacVae presumably
24 did not receive all of.

25 7. on or about December 29th, 2013 I was
26 approached, by inmate's Robert Woodruffe,

Cameron Dodson and Charles "Chuck" Reese informing me that MR. King was trying to set me up and that I should watch my back around him + I am a French. Pursuant to CRCP 1 E, I hereby that all the above is true and correct to the best of my knowledge, ~~and~~ belief and recollection. It should also be noted that in early December 2013, I was present in the day room when day Room had opened, I saw staff report to AH-35, I/M Woodroffe's cell, to call him up an hour after he was taken to seg. Almost 2 hours later I heard numerous thumps on the stairs and saw Robert Hayden King, JR. Deliberately dragging I/M Woodroffe's Property bags down the steps.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 18 day of May, 2014.


(Signature)

Print Name: LEE E GORDON/LAMB
S.I.D. No. 14783826
TRCT
82911 Beach Access Rd.
UMM9112, Oregon 97882

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,
Plaintiff,

CASE NO. _____

v.
STATE OF OREGON,
et al Defendants.

DECLARATION OF CHARLES
REECE.

I Charles Reece do declare, that I have known Bobby King for a number of years and seen him do alot of dirty improper stuff in Doc. against multiple inmates and paid or threatened people to set people up for things they did not do but he spent a good deal of time going after Robert Woodroffe and has set him up several times and got him thrown in segragation on made up allegations by minipulating staff and or inmates.

Robert King was responceible for Robert Woodroffe going to seg for all the times he did by having inmates make up lies and or doing it him self thur staff he has wrapped around his finger.

In december when Robert King was the only and the sole cause of plaintiff going to segragation for alledged medication abuse but this was made up and when this was a bust and bobboy found out about it he then campaigned and threaten and paid Kurtis Mcvae to file a false prea report on Robert Woodroffe claiming sexual acts were done but this was all a lie and put together by Bobby King who was bragging about the prea set up on Robert Woodroffe and was going to get him new time and sent to IMU and snake river.

I spoke to the state police over Bobby King and told them a number of things about and how he's had it out for Robert Woodroffe for something that took place 10 years ago.

Bobby King has alot of money and cant spend it all so he spends part of it to minipulate staff and inmates and finds it intertaining to set people up, but his favorite person to get is Robert Woodroffe.

The sole reasion Rb Robert Woodroffe got celled up with Kurtis Mcvae was to keep him out of trouble and so people could not use him and or talk him into bad bets, so he loses money as the kid is a bit handy capped and Robert Woodroffe was looking out for him plus people were trying to get the kid to cell up soley to have sex and Robert wanted to curb it.

I am even scared of Robert King as hes a very vindictive person and any one who not for him is against him in his oppion and subbject to problems by Bobby King and he has made me do things soley out of fear for my safety and the safety of my family as he's got mafia ties and I don't want nothing to happen to my family andis why I've asked Robert For a Protective Order be filed so he cant get my declaration and get me as he would do.,

King is in prison for murder for hire and he still pays people to do his bidding and dirty work so he not dirrectly involved.

Hes had multiple staff relationships here at snake river and got staff to burn inmates.

He stole alot of porn and 2 CD's Out of the Office with c/o Ransier working and letting him do it.

Bobboy king was Bragging how He got Woodroffes hygene and canteen from Ranser which ended up lost and bragged how he did this and showed woodoffe his drink mix of cherry drink andwwouldssay that there is nothing he could do,

This unit is so peacful now without Bobby on it as he lived to stir up shit.

I am afraid of him myself and done things for him out of fear and feel bad about it, but I dont't know all the staff he has in his pocket and I have talked to staff in up up managment, but it went to death hears.

" I HERTEBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR THE USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALITY FOR PERJURY. "

Dated this 28 day of February 2014.

Charles Reece
CHARLES REECE

DECLARATION
(ORCP Rule 1E)

I, Timothy Finley, do declare that:

on numerous occasions I heard inmate Robert King conspire with inmate Kurtis McVie to get inmate Robert Woodruff locked up, and sent to SRCT lock down for extortion & Rape. Robert King paid Kurtis McVie \$5000 commission to make false accusation and to call PRER. He was going to pay him 75.00 more when and if they sent him to long term lock down. at SRCT Robert King told him what to say & how to say it. Kurtis McVie owed Robert Woodruff for gambling debts and that was the other reason he wanted Robert locked down. At no time did Robert Woodruff pressure Kurtis McVie for anything he owed they were and are friends. Kurtis McVie has a serious gambling problem and can't tell the truth about anything. He has serious mental health issues and Robert King took advantage of the whole situation. Robert King brags about all the times he has railroaded Robert Woodruff to segregation dating back to when this all started at SRCT. This all started over Robert King being mad at Woodruff over him not sharing the typewriter in the legal library at SRCT. The day they packed up Robert Woodruff's property the police had Robert King carry Robert's property from his cell to the

office.

All the way down the stairs Robert King was banging the bags on the rails laughing about breaking his property. Everything I have wrote, I heard with my own ears and watched nobody told me second hand

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 26 day of March 2014

Tim Finley
(Signature)

Print Name: Timothy Finley
S.I.D. No. 548450a

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE
Plaintiff,
V.
STATE OF OREGON,
et al Defendants.

Case No. _____
DECLARATION OF BILL
DIAZ.

I, Bill Diaz, do declare that when I got over here from Snake River Correctional Facility and was Placed on unit 4 a Ad Seg unit heard Bobby King going all over the unit bragging on how he has set Robert Woodroffe up again leading one to think he had done it multiple times.

Bobby King bragged on manipulating Kurtis Macvae in making a false PREA report on plaintiff to get him new charges and sent to IMU because he hates Robert Woodroffe.

These events took place in late december and the kid was paid by Bobby King to do these acts against Robert Woodroffe solely to set him up and burn him.

I have also heard the kid Kurtis Macvae state that it was not true and that king paid him 120.00 to do what he did to Robert Woodroffe.

" I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT IS MADE FOR THE USE AS FOR EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 25th day of Feb 2014.

Bill Diaz
BILL DIAZ #

Exhibit 26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MALHEUR

ROBERT WOODFROFFE,
Plaintiff,

V.

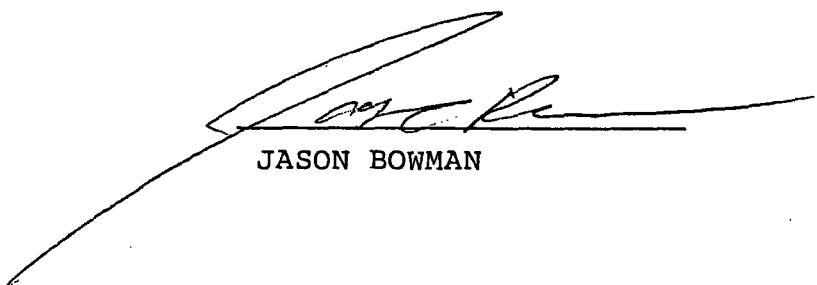
STATE OF OREGON,
et al Defendants.

Case No. _____
DECLARATION OF JASON
BOWMAN.

I Jason Bowman, do declare that I witnessed Robert King Jr.. bragging on AD SEG unit in mid december on how he set Robert Woodroffe up again and that he also put Kurtis mcvae up to file a false PREA report on him for payment of 120.00 but I was later told that king didnt pay himm it all and burned him and I had heard king threaten Kurtis mcvae to do as he said or he'd not like the repocutions. Robert King has A history of paying people to set up people he dis-likes and having them thrown in segregation on investigation or for a sanction and runs around saying he has mafia connections, and I have repeatedly heard Kurtis mcvae say he made false prea reports on robert woodroffe.

" I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT IT IS MADE FOR THE USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY"

Dated this 25 day of Feb 2014.



JASON BOWMAN

exhibit 27

DECLARATION
(ORCP Rule 1E)

I, ROBERT L BANKS, do declare that:

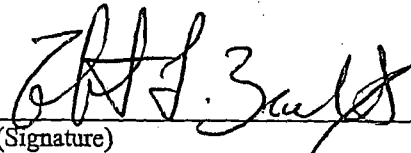
I am Writing this for Robert Woodroff in hopes that it well
be of help for him in the future as I have watched and wittnessed
and been told of just plain horror stories that one Robert King
had done to Robert Woodroff such as paying inmates to write kites
on woodroff that were not true but he would get 3-5 people and pay
and or scare them into doing his bidding to frame plaintiff which
he did for pleasure and to see plaintiff get set up and or go to
segragation wrongly and I cant even begain to say how many times
I have wittnessed him set woodroffe up for thing he knew nothing
about and so he could hurt his parole date and keeep him from
getting out and he has planted razor blades and other contraband
in Woodroff's cell and or paid others to do it so he would go to
segragation and paid staff also for services rendered whom got
fired for other action of deciet and coruptional acts.

King went after woodroffe cause he was really sharp at criminal
and civil law and had pointed out defencies in thing king said and
or done that were wrong and would prove king to be wrong so the
person didnt get screwed over by kings false knowledge as he
claimed to be an attorney and has a laW FIRM in alabama with
his brother and is a millionare and says he can do anything

he wishes to do and no one can do anything about it and this was
true as I seen him minipulate staff into doing his bidding also
and he had secelect people he had put the fear of god into
to lie for himm and write false kites and whatever waswanted
and it got done or they would become part of kpng wrath and
harm and and he got away with it so much I cant even remember
all the time I seen and or knew about it.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 3RD day of MARCH, 20 10.


 (Signature)

Print Name: ROBERT L. BANKS
 S.I.D. No. 13178747
c/o TRCT
82911 BETH ACCESS RD
UMTILLA, OR 97882

DECLARATION
(ORCP Rule 1E)

I, Cameron Dodson, do declare that: on or about the second week of December, 2013, inmate Robert King approached a table in the dayroom of unit 4, Two Rivers Correctional Institution, and stated that if inmate Robert Woodroffe would remove Officer Rennsere (sic) from a lawsuit that Rennsere would "stop fucking with" inmate Woodroffe. Present at the table were inmates Charles Reece, Woodroffe, Cameron Dodson, and Robert King. It was common knowledge that Woodroffe was suing Rennsere, and that Rennsere was retaliating against Woodroffe by shaking down his cell, or sending other officers to shake-down the cell, and that Rennsere and the other officers had taken over \$100.00 worth of commissary items from Woodroffe stating that they were "contraband."

It is also common knowledge among inmates and staff that officer Rennsere and inmate King have an inappropriate relationship, and that Rennsere regularly brings King food items from the street. The Administration at TRCI and the Dome Building have been made aware of this relationship and have thus far done nothing to rectify the situation. It is also common knowledge that King paid inmate Bemon to assault officer Ms. Smith so that King could "rescue" Ms. Smith, and so that King could look good in front of the Parole Board. King has admitted that he, King,

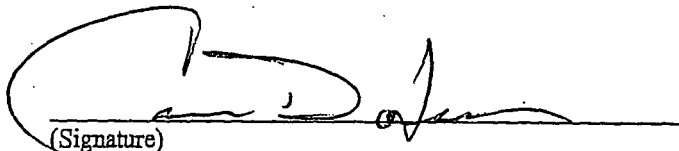
is going to "Fuck" an Inmate Defranc (sic) for killing an inmate Chris Lange (sic) at Snake River Correctional Institution, by giving false information about that murder.

It is also known that King paid inmate McVay \$120.00 to falsely accuse Woodroffe of sexually assaulting McVay. That "incident" was investigated by Oregon State Police and found to be not true.

It is common knowledge that King pays other inmates to "set-up" and lie on other inmates that King does not like so that that inmate will be in trouble. King also admittedly does this for amusement and to show that he has alot of money and is powerful. King tells people that he, King, has "Mafia" connections.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 1st day of February, 20 14.



(Signature)

Print Name: Cameron Dodson

S.I.D. No. 18187986

82911 Beach Access Rd.

Umatilla, Oregon 97882

1-29-14
at
APPX
11:30 PM

DECLARATION
(ORCP Rule 1E)

I, KURTIS LEE MCVAE, do declare that:

on 1-31-14 AT exactly 6:45 PM INMATE ROBERT KING called me outside TO TALK TO HIM INMATE MOESHER WAS PRESENT AT THAT TIME. AND KING ~~ASKED~~ ASKED ME WHY WAS YOU TALKING TO INMATE ROBERT WOODROFF AND I SAID BECAUSE HE WAS SHOWING ME A DOCUMENT FROM THE OREGON STATE POLICE STATING THAT AFTER A THORO INVESTIGATION, THAT EVERYTHING WAS DROPPED AND THAT HE COULD SPEAK TO ME AGAIN. KING THEN SAID YOU NEED TO STAY THE HELL AWAY FROM WOODROFF HE'S TRYING TO SET YOU UP AND IM NOT GOING TO TELL YOU AGAIN, AT THAT TIME INMATE RONALD MAY & CAMERON, DARTSON CAME OUT TO STAND BY THE FIRST YARD TABLE BY THE REC DOOR OVER BY THE SPORTS T.V. THEN WITHIN 2 TO 3 ~~MINUTES~~ MINUTES INMATE ROBERT WOODROFF CAME OUTSIDE RIGHT UP TO BOBBY KING, AND SAID IF YOUR GOING TO THREATEN SOMEONE WHY DONT YOU DO IT TO ME INSTEAD OF THREATENING THE KID AKA (KURTIS MCVAE) TALKING BEHIND MY BACK

Then INMATE KING started yelling
 ARE YOU THREATING ME REPEATED TIMES
 AND INMATE WOODROFF said NO I ain't,
 I'M JUST MAKING SURE THE KID IS
 ALRIGHT. Then KING said come on
 MOESHER & KID LETS GO WALK OVER
 HERE then Ronald Hay & Cameron Dartson
 & ROBERT WOODROFF WALK BACK INSIDE
 TO THE DAYROOM, THATS ALL THAT HAPPEN
 OUTSIDE TO THE VERY BEST OF MY KNOWLEDGE
 & MEMORY! THE ONLY REASON THAT
 ROBERT WOODROFF WAS OUTSIDE TO CHECK
 ON ME MCVAE TO MAKE SURE I WAS
 SAFE, THATS ALL.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
 KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
 EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 29 day of JANUARY, 2014.

Kurtis Lee McVae
 (Signature)

Print Name: KURTIS LEE MCVAE
 S.I.D. No. 16103338

DECLARATION
(ORCP Rule 1E)

I, KURTIS LEE MCVAE, do declare that:

THAT ON 12-17-14 THAT BOBBY KING PAID ME 50.00 IN CANTEEN TO SET
UP INMATE ROBERT WOODROFFE BY HAVING ME GOTO MS. CARTER WHOM
BOBBY KING HAD IN HIS POCKET TO DO AS HE WANTED AND I SEEN WAS
TRUE BY THINGS SHE DID FOR HIM REPEATEDLY AND I WENT AND TOLD
HER WHAT KING TOLD ME TO TELL HER AND THEN I WENT AND MADE A
FASLE PREA CALL THAT I NEVER REALLY WANTED TO DO BUT HE MADE
VERBLE THREATS TO HURT AND KILL MY FAMILY AND DAUGHTER WHICH
I WAS DEEPLY AFRAID FOR MY SAFETY AND THE SAFETY OF MY FAMILY
AS KING IS IN PRISON FOR PAYING TO HAVE PEOPLE MURDED AND I WAS
SCARED HE WOULD GET ME AND MY FAMILY. LT. BOSTON WAS ALSO IN
HIS POCKET AND TOLD ME TO HAVE BOBBY KING WRITE A INMATE CONFLICT
REPORT ON WOODROFFE SO BOSTON COULD GET RID OF WOODROFFE AS
BOSTON SAID HE DID NOT LIKE WOODROFFE AND WOULD GET HIM SENT
TO SNAKE RIVER AFTER HE GOT OUT OF IMU. THEN AFTERWARD KING
WAS GOING AROUND BRAGGING ABOUT HOW HE SET PEOPLE UP AND THAT
HE WAS RID OF ROBERT WOODROFFE FOR GOOD AND WOULD NOT GET OUT
OF THIS ONE. HE TOLD ME THAT C/O RANSIER WAS IN HIS POCKET
AND STOLE WOODROFFE PROPERTY AND KING GOT IT AND BRAGGING
HOW HE WAS DRINKING HIS JUICE AND USING HIS DEODERANT AND
ALSO STATED THAT HE HAD SENT SEVERAL PEOPLE TO THE HOLE FOR

SLB 31

THINGS THEY DID NOT DO CAUSE HE DID NOT LIKE HIM AND THAT DOC
WAS ALSO AFRAID OF HIM AND IS WHY THEY LET HIM GET AWAY WITH IT.

HE ALSO GOT LEE LAMB AND EVAN SET UP REPEATEDLY HE TOLD ME TO
LIE TO STUART AND THE STATE POLICE OR SOMETHING BAD WOULD HAPPEN

I AM STILL SCARED FOR MY SAFETY AND THAT BOBBY WILL GET OUT
AND MAKE ME LIE MORE OR ABOUT ROBERT WOODROFFE WHO WAS ONLY
EVER MY FRIEND AND LOOKING OUT FOR ME. KING SAID HE HAD MAFIA
TIES. THE PEOPLE ON THIS UNIT ARE SCARED OF KING ALSO AND
WOULD DO AS I DID CAUSE HE PAID THEM AND OR SCARED THEM ALSO.

HE ALSO GOT PEOPLE TO SAY HE WAS BUYING AND SELL MEDICATION
TO GET HIM IN THE HOLE THE FIRST PLACE AND WHEN HE HEARD IT
HAD FAILED IS WHEN HE MADE ME CALL THE HOT LINE AND LIE.

"THEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 3 day of FEBRUARY, 2014.

Kurtis Lee Mcrae
(Signature)

Print Name: KURTIS LEE MCRAE
S.I.D. No. 16103338

DECLARATION
(ORCP Rule 1E)

I, KURTIS-LEEMCVAR, do declare that:

THAT ON 12-17-14 INMATE BOBBY KING PAID ME 50.00 DOLLARS IN CASH TO SET INMATE ROBERT WOODROFF UP. BY HAVING GO TO MRS CARTER AND THEN BY HAVING ME MAKE A FAKE PREA CALL. I NEVER WANTED TO DO IT BUT HE MADE VERBAL THREATS TO HAVE MY FAMILY & DAUGHTER HURT / KILL. I WAS DEEPLY AFRAID. BECAUSE HE'S IN PRISON FOR HIRING PEOPLE FOR MURDER. LT BOSTON WAS THE ONE THAT TOLD BOBBY KING TO WRITE THE INMATE CONFLICT HE WAS GOING AROUND BRAGGING ABOUT HOW HE SET PEOPLE UP. HE'S ALSO SENT MULTIPLE PEOPLE TO THE HOLE FOR NOTHING SUCH AS LEE LAMP MICHAEL EVANS, ROBERT BANKS. HE TOLD ME THE DAY BEFORE I SAW STUART TO KEEP MY MOUTH SHUT AND RIDE IT OUT OR ELSE SOMETHING BAD WOULD HAPPEN. HE NEVER PAID ME THE MONEY AT ALL. I AM SCARED FOR MY

1 FAMILY. IVE LOST A UNCLE & A AUNT &
 2 MY MOM. I dont want to lose anymore.
 3 He has Mafia Ties, He had MUNIPLATED
 4 OFFICERS ON 2-3-14 to SEARCH CELL 12
 5 ON 2-1-14 HE THREATENED ME ABOUT ME
 6 TALKING TO WOODROFF I JUST DONT
 7 KNOW WHAT TO DO ITS HARD TO TALK
 8 TO STAFF WHEN HE HAS THEM ON HIS
 9 SIDE. IF I DONT HAVE FAMILY TO HELP
 10 I WOULD COME FORWARD. ON 2-1-14 HE TRYED
 11 TO SET WOODROFF UP BY SAYING HE GOT
 12 THREAT OUTSIDE. I WAS THE ONE WHO GOT
 13 THREATEN. WOODROFF IS MY FRIEND. HE
 14 TOLD ME ON 1-23-14. DO YOU KNOW THE
 15 POWER I HAVE. I CAN HAVE PEOPLE
 16 SHOW UP TO YOUR FAMILYS HOUSE IN IOWA
 17 WITH GUNS DRAWN & GET AWAY WITH IT
 18 IM SO SCARED FOR MY FAMILY. THAT
 19 I DONT EVEN CALL THEM & TELL THEM
 20 ANYTHING. HE GOES AROUND TRYING TO
 21 RECRUIT PEOPLE TO GET EVANS, CAMP,
 22 DARLSON, WOODROFF IN DSU. I ONLY GET
 23 11 MONTHS TO GO I WANT TO GET HOME TO
 24 MY FAMILY, I DONT WANT ANY MORE PAIN &

MR Lt Boston told me to have MR
King fill out the PREA/IMATE conflict
form in his own writing to book
MR Woodroff

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY
KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS
EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 28 day of FEBRUARY, 2014.

Kurtis Lee McVae
(Signature)

Print Name: KURTIS LEE MCVAE
S.I.D. No. 16103338

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Declaration of Lee Gordon Lamb

I, Lee Gordon Lamb, being duly sworn depose and say the aforementioned statements are true and correct under penalty of perjury:

1.) I am a witness to the events mentioned herein.

2.) From January 24th to present Mr. Michael James Evans has been my cell mate, this year 2014.

3.) From December 30th, 2014 to January 10th, 2014 I was placed in DSU on an administrative hold pending investigation on P.R.E.A. and Assault claims by Lt. R. Young based on evidence by David Wayne French.

4.) On January 10th, 2014; I was debriefed by Lt. R. Young who stated he had completed his investigation. When I asked if David W. French would be held accountable per O.D.O.C. Policy 40.1-13 VI (A)(6) for filing a false P.R.E.A. Report after Lt. R. Young stated the charges were unfounded he stated quote: "What goes around comes around." unquote. I then stated quote: "Karma's a bitch ain't it" unquote. He responded quote "He's bound to get his sooner or later." unquote.

5.) Lt. R. Young's suggestion was to "stay away from David

267

Wayne French."

6.) I returned to Unit 4 AHH on January 14, 2014 on L.O.P.
For 7 days ending January 18th, 2014 due to the holiday.

7.) I first heard about Robert Hayden King paying David
Wayne French from Michael Evans on January 13th when
he was placed in the cell next to me per C.O. H. Carter.
Once I got off L.O.P. Saturday January 18th 2014 I spoke
briefly to Steven J. Freeman who stated quote "I cannot
be seen around you right now or even seen sitting with you,
I cannot even talk to you per a tall big hispanic looking Lt."
(Lt. H. Enrique) and further stated "That fat piece of shit
wet back Alex (Referring to Delbosque) and Bobby King, said
that if we are seen talking to you they would tell staff
we were extorting you (me) and we would go to the
hole" End quote.

8.) Steve Freeman then stated quote: "By the way you know
it's all over the Unit that King paid French \$50⁰⁰ to
make that false report against you. And I saw him going
around the Unit bragging about it." End quote.

9.) I brought this information to Sgt. Olvera on Saturday
January 18th, 2014. around 9:30 am. To be honest I do not
recall Olvera's response.

268

10.) Approximately 5 days later, I spoke with Sgt. McFarland, the 3rd shift A.H.U. Sgt. about what Steven Freeman had told me. Sgt. McFarland then called Freeman into the staff's office and I reassured Freeman he would be O.K. Freeman went in and spoke to Sgt. McFarland in regard to threats he received from the two aforementioned inmates (See paragraph 7). Upon Freeman exiting the office I asked Freeman "Better?" and he said "A little bit, but I am sending out a long like Twelve page letter to Lt. Young about this." end quote.

11.) Mr. Freeman then went on to explain why he trusted Lt. Young and Freeman stated quote "He likes puppies and so do I" I add this as a testament to Mr. Freeman's state of mind.

12.) On January 18, 2014 I also, again, heard the exact same information referenced above as stated to me by Mr. Freeman, was also stated by Mr. Ryan Lawson. Then about 4 days later on or about January 27, 2014 upon joining us at the table for lunch Jason Michael Bowman depicted very similar information with regard to Robert Hayden King making threats and paying David Wayne French.

13.) I heard similar information relayed to me by the following inmates: Tim Finley, David Allen Baker, Charles Reese



(Reese informed me in late December that quote: "Bobby King is trying to set you up" end quote), Stefan Brehl (to a different degree, he only stated King told him directly that he had paid French to call The P.R.E.A. hot line on myself and Evans), Mr. Escoto on January 20th, 2014 told me quote: "I just wanted to inform you that I personally saw Bobby King giving David W. French \$5000 in canteen in several trips." unquote., Robert Barley, Cameron Dodson, James Bishop, William Cupchiack, Mario Salcedo, inmate Vandeford, Charles Boone, Adrienne Delbosque, George Barza, Derek Piskorski (Although subtly) These people relayed virtually unless otherwise noted the difference stated.

Dated This 28th day of February, 2014

By: 

LEE GORDON LAMB,

SID# 14783876.

TRCI.

82917 Beach Access Rd.

Umatilla, Oregon 97887-9479.

DECLARATION
(ORCP Rule 11E)

I, John D. Starr, do declare:

(1) I am a resident of Oregon and I reside at: SRCT / ODOC

(2) That I am competent to testify to the matters stated herein.

(3) That I have personal knowledge of the facts stated herein.

(4) That all facts stated are true and correct, and admissible as evidence.

(5) ON 4-23-06 INMATE ALEXANDER SWANGEL SAID THAT BOBBY KING THREATENED HIM IF HE DID NOT GO ALONG WITH INMATE BOB KING STORY TO SET UP ROBERT WOODRUFF, BOB KING THREATENED TO HARM SWANGEL'S FAMILY.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 4 day of 23, 2006.

4-23-06
John D. Starr

(Signature)

Print Name: John D. Starr

Sid # 7242665

Snake River Correctional Institution

777 Stanton Boulevard

Ontario, Oregon 97914-8335

2:15 -CV-02390 -SB

Exhibit

#6

1. Order Granting Motion to Dismiss in
Malheur Case 15 CV 1047.
2. Court of Appeals Order Affirming
the Dismissal Order in Malheur 15 CV 1047.
Court of Appeals Case No A161535
King Won. Plaintiff Woodruff
lost the Case
- * This case is almost identical to the current
case 2:15 -CV-02390 -SB in this U.S. District Court.
THIS Harassment has Got to Stop.

FILED

Malheur County Circuit Court

DEC 18 2015

Time: 11:30 AM By SAS

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MALHEUR

ROBERT WOODROFFE,
Plaintiff,

vs.

ROBERT H. KING, JR.,
Defendant.

) Case No. 15CV1047
)
)

) **ORDER GRANTING MOTION TO
DISMISS**
)
)

Defendant filed a Motion to Dismiss based on a failure to state a claim on August 4, 2015. Plaintiff filed a Response on August 17, 2015. A hearing was had on November 10, 2015 where plaintiff appeared pro se and defendant appeared through his attorney, Michael Breiling. The court having considered the parties' filings, the record herein, and being fully advised, FINDS:

At the November 10, 2015 hearing, plaintiff orally motioned to file an amended complaint to attempt to rectify the issues brought forth by defendant's Motion to Dismiss. The court heard arguments on the Motion to Dismiss and took the matter under advisement. The court ordered that if plaintiff wished to file an amended complaint, he would need to file a motion and attach the amended complaint. The court gave plaintiff until December 10, 2015 to do so. The plaintiff submitted a Motion to Amend and an Amended Complaint on December 7, 2015. The court granted the Motion to Amend and will now rule on the Motion to Dismiss based on the Amended Complaint.

ORDER GRANTING MOTION TO DISMISS

Exhibit 6
Ordered of 10/7/1

* See
Page
4 of 6

1 Plaintiff's allegation can be best summed up as the defendant paid his
 2 attorney to report to the Department of Corrections, the FBI, and the postal service
 3 false allegations that put the plaintiff in segregation, which caused him damages.
 4

5 6 **Claim One – Negligence**

7 In Oregon, a common-law negligence claim requires the plaintiff to allege
 8 and prove the following:

9 (1) that defendant's conduct caused a foreseeable risk of harm, (2)
 10 that the risk is to an interest of a kind that the law protects against
 11 negligent invasion, (3) that defendant's conduct was unreasonable in
 12 light of the risk, (4) that the conduct was a cause of plaintiff's harm,
 13 and (5) that plaintiff was within the class of persons and plaintiff's
 injury was within the general type of potential incidents and injuries
 that made defendant's conduct negligent.

14 *Son v. Ashland Community Healthcare Services*, 239 Or App 495, 506 (2010). The
 15 second element entails a "legally protected interest" which has been defined as "a
 16 sort of 'duty' that is distinct from [] foreseeability." *Curtis v. MRI Imaging Services*
 17 *II*, 148 Or App 607, 618 (1997).
 18

19 Plaintiff has not alleged a legally protected interest based on some sort of
 20 duty owed or relationship between the plaintiff and defendant that was violated.

21 Claim One is dismissed.
 22

23 **Claim Two – Intentional Interference**

24 The court is unaware of an actionable claim of intentional interference and
 25 the plaintiff cites on authority. Intentional interference often references an
 26 interference with property rights such as trespass, conversion or a right under
 27
 28

1 contract. There is no allegations that defendant trespassed on land, stole personal
2 property or interfered with any contract. Claim Two is dismissed.

3
4
5 **Count Three – Malicious Prosecution**

6 The Oregon Court of Appeals succinctly stated the elements of a
7 malicious-prosecution claim in Oregon as follows:

- 8 (1) the institution or continuation of the original criminal proceedings;
9 (2) by or at the insistence of the defendant; (3) termination of such
10 proceedings in the plaintiff's favor; (4) malice in instituting the
11 proceedings; (5) lack of probable cause for the proceeding; and (6)
12 injury or damage because of the prosecution.

13 *Blandino v. Fischel*, 179 Or App 185, 190 (2002).

14 Plaintiff does not allege any form of criminal proceeding. Administrative
15 segregation in a prison setting is not a criminal proceeding. Count Three is
16 dismissed.

17
18 **Claim Four – Intentional Infliction of Emotional Distress**

19 To plead the tort of intentional infliction of emotional distress, the
20 plaintiff must allege facts showing that:

- 21 (1) The "defendant intended to inflict severe mental or emotional
22 distress" or that the distress was certain or substantially certain to
23 result from the defendant's conduct;
24 (2) The defendant's acts "in fact cause[d] the plaintiff severe mental or
25 emotional distress"; and
26 (3) The defendant's acts consisted of "some extraordinary
27 transgression of the bounds of socially tolerable conduct" or exceeded
28 "any reasonable limit of social toleration."

Patton v. J.C. Penney Co., Inc., 301 Or 117, 122 (1986).

1 Plaintiff alleges he suffered severe mental or mental emotional distress. He
 2 does not plead ultimate facts regarding that element, merely a conclusion. Claim
 3 Four is dismissed.
 4

5 **Claim Five – Cruel and Unusual Punishment**

6 Both the United States and Oregon Constitution protect all people from cruel
 7 and unusual punishment by the government. ^{*} There is no allegation that the
 8 defendant is a governmental agency or an agent of the government. Claim Five is
 9 dismissed.
 10
 11

12 **Claim Six – Defamation**

13 "The elements of a claim for defamation are: (1) the making of a defamatory
 14 statement; (2) publication of the defamatory material; and (3) a resulting special
 15 harm, unless the statement is defamatory *per se* and therefore gives rise to
 16 presumptive special harm." *Nat'l Union Fire Ins. Co. of Pittsburgh Pennsylvania v.*
 17 *Starplex Corp.*, 220 Or App 560, 584 (2008). In *Nat'l Union Fire Ins. Co. of*
 18 *Pittsburgh Pennsylvania v. Starplex Corp.*, 220 Or App 560, 584 n 6, 188 P3d
 19 332 (2008), the court listed four types of statements that are considered
 20 defamatory *per se*:
 21
 22

- 23 (1) Words tending to injure the plaintiff in his or her business or
- 24 profession.
- 25 (2) Imputations of moral turpitude.
- 26 (3) Imputations of infection with a contagious disease.
- 27 (4) False statements regarding a person's fitness to perform official
- 28 or job duties.

Ex 16
 Exhibit 16

No Action under color of State Law
 As it applies to case 2:15-cv-02390-SB
 42 USC 1983 is improper venue - jurisdiction.

1 If a statement is not defamatory per se the plaintiff must allege special harm.

2 Emotional distress does not constitute special harm, even when distress results in
3 serious illness. See Restatement (Second) of Torts §575, comment c (1977).

4 Plaintiff does not allege ultimate facts demonstrating defamation per se. The
5 court cannot find ultimate facts demonstrating special harm.
6

7
8 **Claim Seven – Invasion of Privacy, False Light**

9 The Oregon Supreme Court has expressly recognized the tort of false
10 light:
11

12 "One who gives publicity to a matter concerning another that places
13 the other before the public in a false light is subject to liability to the
14 other for invasion of his privacy, if

15 (a) the false light in which the other was placed would be highly
16 offensive to a reasonable person, and

17 (b) the actor had knowledge of or acted in reckless disregard as to the
18 falsity of the publicized matter and the false light in which the other
19 would be placed."

20 Publicity "means that the matter is made public, by communicating it to the public
21 at large, or to so many persons that the matter must be regarded substantially
22 certain to become one of public knowledge." *Morrow v. II Morrow, Inc.*, 139 Or App
23 212, 220 (1996).

24 No ultimate facts are pled to demonstrate that the defendant made a false
25 allegations to the public in general or to so many person that the matter would
26 become public knowledge. Claim Seven is dismissed.

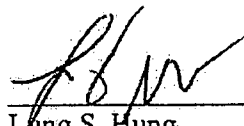
27 //

28 //

Exhibit 6
R 5

1 IT IS HEREBY ORDERED plaintiff's Claims One through Seven are dismissed.
2 Defendant's counsel is ordered to prepare a General Judgment of Dismissal
3 consistent with this Order.
4
5
6

7 DATED: December 17, 2015

8
9 

10 Lung S. Hung
11 Circuit Court Judge
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FILED: November 23, 2016

IN THE COURT OF APPEALS OF THE STATE OF OREGON

ROBERT WOODROFFE,
Plaintiff-Appellant,

v.

STATE OF OREGON, R. RUEGER, MS. K. SHORT, LT. J. EDISON, MICHAEL R.
MAHONY, and OREGON STATE BAR,
Defendants,

and

ROBERT H. KING, JR.,
Defendant-Respondent.

Malheur County Circuit Court
15CV1047

A161535

Lung S. Hung, Judge.

Submitted on October 07, 2016.

Before Ortega, Presiding Judge, and Lagesen, Judge, and Shorr, Judge.

Attorney for Appellant: Robert Woodroffe *pro se*.

No appearance for Respondent Robert H. King, Jr.

AFFIRMED WITHOUT OPINION

DESIGNATION OF PREVAILING PARTY AND AWARD OF COSTS

Prevailing party: Respondent

☒ No costs allowed.
☐ Costs allowed, payable by

Exhibit 6
Submitted 10/10/16

2:15 -CV- 02390 -SB

Exhibit

#7

1. Court Order - Umatilla Case No CV140812.
Case against King was Voided / Dismissed.
Plaintiff Woodroffe Sued
Defendant King a 2nd time
And lost this case Also
This case is almost identical to the
current case 2:15-cv-02390-SB in this court.
This harassment has Got to Stop



2015 JUN -3 PM 3:00

TRIAL COURT

BY _____

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA

ROBERT WOODROFFE,

Plaintiff,

v.

STATE OF OREGON; COLETTE PETERS;
MICHAEL GOWER; JERI TAYLOR; CAPT
IVERSON; CAPT PEDRO; CPT LYTLE; LT
BOSTON; LT EDISON; LT BURCHETT; LT
R.A. YOUNG; SGT PRIMMER; SGT
BROWN; CO/RASNIER; R. HILLMICK;
DET K. FARBER; AND ROBERT KING, JR;
KURTIS MCVAE, et al, all defendants are
sued in their individual and official capacities,

Defendants.

Case No. CV140812

- 1 Order granting State's Rule 21 motion filed December 8, 2014.
- 2 Defendant King's ORCP 71 motion is granted.
- 3 Plaintiff's 2nd Amended Complaint causes the order and judgment against Defendant King and McVae to be void, orders of default and judgment to be vacated. ORCP 23C. Ten days for the parties to file responsive matters, and the court to rule.

This matter came before the court on May 7, 2015 for hearing in conjunction with plaintiff's other cases, CV 140914 and CV141611, which the court takes judicial notice of along with the file and records of this case. The court took the matters under advisement and has currently previously ruled on the State Defendant's motion to vacate the court's earlier fee waiver. This case is nothing if not complex and convoluted. It is hindered by plaintiff's litigious nature and self-represented skills. As discussed further herein, as a result of the decision herein

- 1 1. Order granting State's Rule 21 motion filed December 8, 2014.
- 2 2. Defendant King's ORCP 71 motion is granted.
- 3 3. Plaintiff's 2nd Amended Complaint causes the order and judgment against Defendant King and McVae to be void, orders of default and judgment to be vacated. ORCP 23C. Ten days for the parties to file responsive matters, and the court to rule.

Exhibit 7 14-14

1 three orders will issue: First, as to the State's Rule 21 motion, it is granted and the state may
 2 prepare an order pertaining the Rule 21 motion being granted in due regard to the Court's earlier
 3 ruling on the motion to vacate the court's earlier order waiving plaintiff's filing fee¹. Secondly,
 4 as a result of the analysis of Defendant King's motion for relief from judgment, and the court's
 5 conclusion that the 2nd Amended Verified Complaint precluded the necessity for King to file a
 6 proposed pleading as required in ORCP 71, the motion is granted with King's Attorney to submit
 7 an order for the reasons set forth by King and his attorney on the record.² Thirdly, the court has
 8 *sua sponte* examined the plaintiff's 2nd Amended Verified Complaint and overall it simply
 9 throws the proverbial wrench into the workings of his case. In filing the complaint plaintiff
 10 omitted both Defendant's King and McVae and the claims as to them for which he obtained
 11 earlier technical default judgments. ORCP 27C takes that pleading back to the start of the case
 12 and by operation of law vacates the default orders and judgments against King and McVae. As
 13 this is *sua sponte*, the court is allowing the parties have ten days to file any responsive
 14 memoranda related to the court's contemplated ruling under ORCP 23C. The court will rule on
 15 the ORCP 23C issue thereafter.

16 This case was filed in Umatilla County unlike some of the other cases filed by plaintiff.
 17 Per the complaint plaintiff states that the civil action is filed for money damages and injunctive
 18 relief individually and together as to the state employees for (1) Conversion, (2) Coercion, (3)
 19 Harassment, (4) Negligence, (5) 1st Amendment retaliation, (6) Intentional infliction of
 20 emotional distress, (7) Libel, (8) Slander, (9) Breach of duty, (10) False imprisonment, (11) cruel
 21 and unusual punishment, (12) Denial of due process, and (13) destruction of property.

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- 2
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Ex-7c - Dec 22 14

1 In the court's first hearing on the complaint, with the exception of plaintiffs property loss
 2 claim, which the Court gave plaintiff leave to re-plead, the Court dismissed plaintiffs complaint
 3 without leave to amend for failure to state a claim for relief as against the state and state
 4 defendant's given, noting that a default judgment would still exist as previously order against
 5 King and McVae. The court was analyzing the plaintiff's case in relationship to the remaining
 6 defendants and not particularly King or McVae and the claims from which plaintiff obtained a
 7 technical judgment against. As discussed in part herein, the 2nd Amended Verified Complaint
 8 (2d Complaint) by plaintiff was done by the plaintiff in response to the court's order to reassess
 9 his case and proceed on the property claims. The court did not tell plaintiff to omit the other
 10 defendant's or their claims upon which he obtained defaults. On November 20, 2014 plaintiff
 11 provided the Oregon Department of Justice (DOJ) a copy of the intended to be filed second
 12 amended complaint. Declaration of Shannon Vincent, See Exhibit 7, Second Amended Verified
 13 Complaint. It was filed December 2, 2014. Rather than reshaping the 2d Complaint to include
 14 those claims he merely left them out relying on the earlier default judgments.

15 On December 8, 2014 the state filed Rule 21 motions against plaintiff's second amended
 16 complaint.

17 **State Defendant's Rule 21 Motion.**

18 Upon hearing and for the reasons set forth in the state's motion, the court hereby dismiss
 19 plaintiff's claims against the three individually named State Defendants with prejudice and
 20 without leave to amend. In addition, the Court strikes Paragraphs 14, 17, 24, 25, 28, and 29 from
 21 plaintiffs Second Amended Complaint. Plaintiff just cannot plead in clear and concise method
 22

- 23 3
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5x-7 page 2-14

1 required, allowed and relevant matters as required under the ORCP. The State's Attorney to
 2 prepare the order.

3 **Defendant King's Motions.**

4 Furthermore, on January 23, 2015 Defendant King filed to dismiss the complaint for
 5 insufficiency of service of process, and for relief from judgment. Mr. King is now represented by
 6 Attorney Breiling. With the notice allowed by the court, plaintiff has a burden to show the
 7 service was complete, which the court does not find that he did. The court allowed much leeway
 8 to allow the plaintiff to process his suit but it appears that the notice was inadequate. Once
 9 Defendant King had notice he started filing matters in opposition. Defendant McVae submitted
 10 a letter but never filed anything in opposition of the default order or judgment.

11 On January 28, 2015 the court issued a limited judgment of dismissal based on the
 12 arguments against the first amended complaint in October 30, 2014. At the time of the hearing
 13 on this case, procedurally, plaintiff with purportedly a prior 10 day notice of intent to apply for
 14 default against McVae and King on July 28, 2014, filed August 26, 2014, had obtained a default
 15 limited judgment against Robert King (October 2, 2014, for \$173,000.00) and Kurtis McVae
 16 (October 2, 2014 for \$39,039.50), and the state's pleadings in this matter apply only to the state
 17 defendant's. The default judgments for plaintiff against King and McVae are purely technical
 18 defaults, not shown of merit, but failure of the defendant's to tender a defense. To do this date
 19 McVae has not filed any pleadings in response to the limited judgment though he sent a letter to
 20 the court filed January 2, 2015. On February 25, 2015 plaintiff filed a response to Kings motion
 21 under ORCP 21 and motion to set aside the earlier limited default judgment. Plaintiff reminds the
 22 court that ORCP 71 requires the proposed responsive pleading to be filed.³ It appears that King

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- 23 4 1. Order granting State's Rule 21 motion filed December 8, 2014.
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C. 7 R. H. M.

1 has not done so, but then again, as next discussed by the court regarding ORCP 23C, plaintiff has
 2 not plead the matters related to King and McVae in the 2d Complaint. ORCP 71 states in part
 3 that "A motion for reasons (a), (b), and (c) shall be accompanied by a pleading or motion under
 4 Rule 21 A which contains an assertion of a claim or defense." But for the 2nd Amended
 5 Complaint, it would be hard to excuse this failure, though clearly King could file the motion
 6 again with the requisite pleading. While plaintiff is correct though that King has not done what
 7 he needed to do for an ORCP 71 motion, he excused it in his pleading error. Defendant King's
 8 motions are persuasive and for the reasons set forth by King and the argument of his counsel, the
 9 motions are granted, with his attorney to prepare the order.

10 **Plaintiff's 2d Amended Verified Complaint.**

11 Plaintiff filed a 2d Amended Verified Complaint (2d Complaint) on December 1, 2014,
 12 which the court attaches as Exhibit 1. While plaintiff earlier obtained defaults on King and
 13 McVae from the earlier complaint, now they have disappeared from the complaint. The original
 14 complaint alleged King of destruction of property, coercion, libel and slander, and McVae of
 15 false imprisonment. The court did advise the plaintiff to reassess his claims and refile as to the
 16 conversion claim as to the state, but did not tell the plaintiff to somehow omit his theory as to the
 17 claims against King and McVae, and of course the State's attorney did not and does not represent
 18 King nor McVae. Thus though plaintiff has a default on them from earlier his claims still would
 19 be necessarily included from the earlier default. As stated in *O'Gara v. Kaufman*, 726 P.2d 403,
 20 81 Or.App. 499 (Or. App., 1986), citing to *Klemgard et al v. Wade Seed Co.*, 217 Or. 409, 414,
 21 342 P.2d 757 (1959); see also *Mignot v. Parkhill*, 237 Or. 450, 453, 391 P.2d 755 (1964); [81
 22 Or.App. 503] *Mumper v. Matthes*, 186 Or. 357, 364, 206 P.2d 86 (1949); *Condon Nat. Bank v.*

- 23 5
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Exhibit 17 on Exh 14

1 *Rogers*, 60 Or. 189, 191, 118 P. 846 (1911), "a pleading loses its status as such when it is
 2 superseded by an amended one." Plaintiff's pleading works against him and his claims against
 3 King and McVae, and the while the court understands the general reluctance to have court's
 4 render *sua sponte* rulings, sees little choice under the pleading facts. Therefore in the analysis
 5 the court extrapolates authority from the following discussed cases to bring this issue to light.

6 The court first notes what is probably the general rule that a "... trial court has no
 7 authority to render a decision on issues not presented for determination.", and thus "... trial
 8 court erred in sua sponte ruling on a theory that was not pled." *Jensen v. Glanz*, 742 P.2d 70, 87
 9 Or.App. 332 (1987), citing to *Hurlbutt v. Hurlbutt*, 36 Or.App. 721, 725, 585 P.2d 724, rev. den.
 10 285 Or. 73 (1979). The situation here is different and though not brought up by the parties, is a
 11 critical pleading problem for which the court bears the responsibility of maintaining the record,
 12 and the action is by operation of law, that being ORCP 23C, not by any required pleading
 13 argument by the parties, or evidentiary hearing. Nothing changes the fact of the pleading filed.
 14 The plaintiff in filing the 2nd Complaint impliedly allowed the court to consider the pleading.
 15 See, *Marriage of Cerda, Matter of*, 901 P.2d 263, 136 Or.App. 104 (1995) (implied consent);
 16 *State v. Castrejon-Ruiz*, 188 P.3d 400, 220 Or. App. 637 (2008) (Broadly, matters raised by the
 17 pleadings). Under ORCP 23 C the pleading relates back to the original pleading and by
 18 operation of law vacates the earlier defaults and awards. A pro-se litigant assumes risk of their
 19 lack of legal acumen. A pro-se self-represented litigant must comply with the rules as any other
 20 litigant and will not be excused from doing so. *Union Lumber Co. v. Miller*, ____ Or App ____,
 21 10 (2014). Plaintiff has failed in the extreme to comply with the requisite pleading rules that are
 22 expected. The defaults and awards against King and McVae appear to be, therefore, vacated by

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- 23 6
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CONF 14

1 operation of law as a result of plaintiff's 2nd Complaint. Moreover, ORCP 71(b)(1)(d) comes
 2 into play as those judgments are now void. Plaintiff abandoned his claims and does not even
 3 have the starting of a prima facie case now. *See, Venture Properties, Inc. v. Parker*, 223 Or App
 4 321, 195 P.3d 470 (2008) (Discussing in part dismissal with prejudice).⁴ Generally, someone
 5 with pleading experience would have likely and should have retained the allegations against the
 6 defaulted defendants in the amended pleading.

7 Since the matter raised is, however, *sua sponte*, the court allows the parties ten days for
 8 any responsive matters in regards to the courts conclusion that the 2nd Amended Complaint
 9 relates back to the original filing thus vacating by operation of law the orders and judgments
 10 pertaining to Defendant's King and McVae, resulting in dismissal without prejudice of any
 11 claims against them.⁵ After the lapse of ten days the court will consider any matters raised by
 12 subsequent submissions and rule on the ORCP 23 issue.

13 As to the orders forthcoming herein, the court anticipates ruling on the final submitted
 14 orders on these underlying matters before signing the orders, if no cure is made by plaintiff, of
 15 the order vacating the earlier filing fee order.

16 SO ORDERED this 3 day of June, 2015.



DANIEL J. HILL
 Circuit Judge
 6th Judicial District

20 DANIEL J. HILL
 CIRCUIT JUDGE
 21 Umatilla and Morrow Circuit Courts
 915 SE Columbia Drive
 22 Hermiston, OR 97838

☐ Morrow County Circuit Court
 PO Box 609
 Heppner, OR 97836

- 23 7
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8-7-17 Date 7 of 14

Email: courtroom5@ojd.state.or.us

Phone: 541-676-5264 Fax: 541-676-9902

Email: courtroomheppner@ojd.state.or.us

The court has issued an earlier order granting the State Defendant's motion, in each case, as to vacating the fee waiver allowing the plaintiff time to cure, which he has not done, and only objected to. As to the objection the court has denied reconsideration. At the writing of this opinion the plaintiff has not cured by payment of the filing fee and the State has been instructed in writing to submit an appropriate order. Subject to events occurring in regards to that order, the court contemplates signing orders on the merit of the other matters in this and the other cases prior to the order vacating the fee waiver being signed. The signing of that order essentially will take the entire case back and un-file the matter and vacate the judgments. Other orders will have been signed prior to that which have their each operative effect.

See also the court's order regarding Defendant King's motion for relief from Judgment filed December 26, 2014.

ORCP 71 "B Mistakes; inadvertence; excusable neglect; newly discovered evidence, etc.

B(1) By motion. On motion and upon such terms as are just, the court may relieve a party or such party's legal representative from a judgment for the following reasons: (a) mistake, inadvertence, surprise, or excusable neglect; (b) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 64 F; (c) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (d) the judgment is void; or (e) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application. **A motion for reasons (a), (b), and (c) shall be accompanied by a pleading or motion under Rule 21 A which contains an assertion of a claim or defense.** The motion shall be made within a reasonable time, and for reasons (a), (b), and (c) not more than one year after receipt of notice by the moving party of the judgment. A copy of a motion filed within one year after the entry of the judgment shall be served on all parties as provided in Rule 9 B, and all other motions filed under this rule shall be served as provided in Rule 7. A motion under this section does not affect the finality of a judgment or suspend its operation."

"Castro announced two basic principles. First, a trial court can properly dismiss with prejudice under ORCP 54 B(2), even if the plaintiff has presented a prima facie case, if the court, as trier of fact, is unpersuaded at the [223 Or. App. 337] close of plaintiff's case-in-chief. Second, that authority is discretionary, not mandatory—and, as a prudential matter, should be exercised with restraint." *Venture Properties, Inc. v. Parker*, 223 Or App 321, 195 P.3d 470 (2008), citing to *Castro and Castro*, 51 Or.App. 707, 626 P.2d 950 (1981).

While the filing of the 2nd Complaint has preclusive effect, by operation of law vacating the default orders and default judgments against King and McVae, the possibility of the court being able to allow the plaintiff to correct and re-plead must be also considered though speculative for the decision since it has not happened yet. Assuming for the moment that the court allowed the plaintiff to file a 3d Amended Complaint to correct the error the court is not seeing how the filing of the 2d Amended Complaint can be cured. Essentially, even the filing of a curative 3d Amended Complaint could only result in the claims being reasserted for future action and cannot resurrect the default orders and default judgments against King and McVae. ORCP 23C and ORCP 71(b)(1)(d) effectively vacates them by operation of law, though clearly an order is required to so reflect. Then, in retrospect, the court's subsequent order allowing only the property loss claims to move forward would remove the most if not all of the allegations under which plaintiff obtained the default judgments. Essentially, the pleading would have great problems under the law of the case.

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1 Furthermore, though assuming that the 2d Complaint stands without another amendment to cure the
2 pleading error, the dismissal of the claims against King and McVae would likely be without prejudice, since the
3 court would have discretion to allow plaintiff to re-plead. See, *Sandgate v. Jagger*, 996 P.2d 1001, 165 Or App 375
4 (2000)(discussing generally dismissal and dismissal with prejudice); *Hendgen v. Forest Grove Community Hosp.*,
780 P.2d 779, 98 Or.App. 675 (Or. App., 1989) (discussing in party sua sponte decision to dismiss, and ability to
amend in court's discretion). Due to that any order of dismissal of the case as to King and McVae under this portion
of the ruling is likely without prejudice.

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- 23 9 1. Order granting State's Rule 21 motion filed December 8, 2014.
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FILED
UMATILLA COUNTY
CLERK'S OFFICE

2014 DEC -1 AM 8:22

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF UMATILLA JUDICIAL COURT ADMINISTRATION

ROBERT WOODROFFE,
Plaintiff,

v.

STATE OF OREGON,
JERI TAYLOR,
LT. EDISON,
LT. BURCHETT,
LINDA SCHUTT,
CPO RANSCIER,
et al defendants are
all sued in their individual and
official capacities.

Case No. CV-140812 **KT**

2nd AMENDED VERIFIED
COMPLAINT.

Plaintiff Alleges;

1. INTRODUCTION

This is a State civil action filed by Robert Woodroffe for money damages and injunctive relief individually and together for conversion/property loss.

The defendants violated state laws, state constitution, prison policies and rules and procedures knowingly purposely and intentionally with the sole intent to harm and deprive plaintiff of his property that they took possession of and lost or destroyed out of retaliation.

They went to such great lengths to retaliate that they lied in two official investigations involving plaintiffs property.

2. JURISDICTION AND VENUE.

1. This Court has jurisdiction pursuant to ORS 14.030 and ORS. 14.060.
2. This Court has venue pursuant to ORCP (state) rule 4 A, (1), C, E, (1).
3. This Court has jurisdiction on the subject matter because all parties reside in this county and live in Oregon and are employed by the state of Oregon.

3. PARTIES

PAGE 1 2nd AMENDED VERIFIED COMPLAINT.

EXHIBIT 7 12/1/14

4. Robert Woodroffe, Plaintiff is a citizen of Oregon and a inmate with Dept. of Correction (TRCI) located at 82911 Beach Access Rd. Umatilla Oregon 97882. Inmate # 5631215
5. State of Oregon is represented by Dept. of justice and located at 1162 Court st, Salem Oregon 97301.
6. Jeri Taylor is the Superintendant at TRCI located at 82911 Beach Access Rd. Umatilla Oregon 97882.
7. Lt. Edison, was a special housing Lt. and located at 82911 Beach Access Rd. Umatilla Oregon 97882.
8. Lt. Burchette Is a LT. and located at 82911 Beach Access Rd. Umatilla Oregon 97882.
9. Linda Schutt is ezec. asst. to superintendant and located at 82911 Beach Access Rd. Umatilla, Oregon 97882.
10. C/o Ransier is aspecial housing officer located at 82911 Beach Access Rd. Umatilla, Oregon 97882.

4. FACTS

11. Plaintiff has exhausted the grievance system on these matters in the above claim at all 3 stages and was wrongly denied.
12. Plaintiff has timely filed a tort claim in this matter which was denied due to a poor investigation.
13. All State employees have acted and continue to act under color of state law, and constitution and have violated both.
14. Plaintiff has made several offers to resolve this and all the defendants know and have admitted and claimed would correct it, but did not.
15. C/o Ransier took plaintiffs property out of retaliation while it was in his care and possession and knowing gave it away to inmates and took it.
16. Lt. Edison was the ad seg lt in charge of all property of inmates in ad seg when it is in his possession and control and to be stored and secure and plaintiffs was not.
17. C/O has been investigated a number of time in relation to official misconduct and inmate staff relations which he was with robert king would take over time to work on ad seg and would spend the majority of it talking and plotting against plaintiff and failing to do his job due to it and the court should review his work/complaint file per under camera review to see some facts.

5/30/17 04/11/14

18. C/o was suppose to inventory any property he is to confiscate or take from a inmates property and did not have one. C/o Ransier as in #18 was to also fill out a shake done on all the property he confiscated for noe reasion other than to harass me .

19. C/o ransier took all of plaintiff's hygene and canteen and in the inventory done by another staff member was not in plaintiffs stuff upon release and was documented.

20. C/o violated Doc rule division 117 upon which he failed to log plaintiffs property he took and giving it to king as king braged ot getting it.

21. a investigation was done by Lt. burchett and was done poorly and the canteen list confirm the loss alone and said it would all be replaced and was not but some htgene was gave tp plaaintiff, but no canteen cause C/o Ransier said he did not recall there being any canteen.

22. Ms. Tayor per MIcheal gower said it would all be replaced as c/o ransier violated rules and policey in handling plaintiffs property

23. C/o ransier was full of hatred toard me and taking bribes from inmate king, and wasking goto guy to set plaintiff up and harass plaintiff.

24. Plaintiff would incorporate all the statements involving his property of verified compolaint dissmised by this court.

25. Plaintiff made a bonafied effort to collect all his loss but failed and even made a offer to settle this with Shannon vincent.

25. the following property is what was missing still and not replaced:

1. soy sause, 2. BB sause, 3. 2 top ramen soups, 4. refied beans, 5. Tub of cheeze. 6. Whipper mix. 7 coffee, 8. 3 creamers, peanut butter, 10. cherry drink mix, 11. 7 crystal lights, 12. 6 spices, 13. siam hot sause, 14. milky way candy bar, 15. 1 jelly beans, 16. 2 noxema, 17. afta, 18. 2 Next one lotions, 19. vick, 20. eye drops, 22. tooth brush, 23. ck lotion, 24. dental floss. 25. palmer coco butter lotion, 26. murreys,

27. 3 vitiams, and 28. denture tub with a total cosr of 103.63 of which plaintiff went out of his way to resolve with defendants and doj. with zero results.

28 plaintiff would of done this in small claims but in a prior case

2/8/17. Dec 14 2014

on a prior case in this court doj lied to the courts knowingly,
and intentionally to win a case based on fraud .

the above case is on its way to this court per a chanhe of venue
and should of been settled.


29. plaintiff would resolve this case at a loss for 150.00 to
plaintiffs reserved account for mp4 songs or would just take 150.00
in music vouchers and this case is done and dont got to cost thousand.

Wherefore the palintiff respectfully requests that this court
grant the following relief as follows:

Claim one Covernion/property loss.

1. General damages to be determined by the court or jury.
2. comensatory damages jointly and severly for 1,500.00 against
defendants;State of oregon, jeri Tatlor, Lt. edison, Linda schutt,
c/o Ransier for not protecting plaintiffs property while in there
care and protection.
3. for all costs and disbursments and such other relief this court
deems appropriate.
4. Plaintiff would further request a hearing as to a prevailing
party fee on ORS. 20.190(2),(A),(3),(a),(b),(c),(e),(h) as to an
enhancement prevailing party fee unless this court can determine
it without a hearing since the defendants would rather force this
thur the courts and or appeals costing thousands as apposed to
replacing and or getting me music vouchers for my mp3 player I
will have in a couple weeks..

Respectfully submitted this 24th day of november, 2014.


ROBERT WOODROFFE PRO SE

"I ROBERT WOODROFFE HEREBY DECLARE THAT THE ABOVE COMPLAINT CONTENTS
ABOVE ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I
UNDERSTAND IT IS MADE FOR THE USE AS EVIDENCE IN COURT AND IS
SUBJECT TO PENALTY FOR PERJURY.

Date this 24th day of November 2014.


ROBERT WOODROFFE PRO SE

Ex 7
Sub 14 Pgs 13 of 14

CERTIFICATE OF SERVICE

I hereby certify and depose that I served the attached:

2nd Amended Verified Complaint

on the below listed interested person/parties, by mailing a true and correct photocopy and/or original with first-class postage affixed, placing the same in the T.R.C.I. Legal mail depository on:

DATED this 25th day of November, 2014.

Number of copies sent (1) to:

Sherman Vincent
1162 Court St NE
Salem Oregon
97307

Number of copies sent () to:

Number of copies sent () to:

Number of copies sent () to:

Print Name:

Robert L. Loomis
Robert Loomis

Inmate No.:

5631245

Two Rivers Corr. Inst.
82911 Beach Access Rd.
Umatilla, OR 97882-9419

CERTIFICATE OF SERVICE

- SOLO AT REAR -

Ex 7
Ex 10 to 11/15/14